MGA TALA NG 2013 THIRD WORLD STUDIES CENTER PUBLIC FORUM SERIES

ANG MGA PAMANA AT SUMPA NG REHIMENG MARCOS



# kasarinlan philippine journal of third world studies

Marcos Pa Rin! Volumes 27-28 Numbers 1-2 2012-2013

#### THE EDITORS' INTRODUCTION

1	Why Marcos Pa Rin!
	Miguel Paolo P. Reyes and Ricardo T. Jose

#### **FORUMS**

- 19 Ang mga Isyu at Interes sa Pagpangalan sa UP College of Business Administration na Cesar E. A. Virata School of Business Judy M. Taguiwalo · Nelson A. Navarro · Eduardo C. Tadem · Amado Mendoza Jr.
- 65 Forum 1 Rapporteur's Report
- 73 Pangako Sa 'Yo: Kompensasyon sa mga Biktima ng Batas Militar Rodrigo C. Domingo Jr. • Fe Buenaventura-Mangahas • Rita Melecio • Meynardo P. Mendoza • Roberto Diciembre • Karen Gomez-Dumpit
- 117 Forum 2 Rapporteur's Report
- 125 Bonggang Bonggang Bongbong: Ang Rehabilitasyong Pulitikal ng mga Marcos Amado Mendoza Jr. · Ferdinand C. Llanes · Gerardo Eusebio · Butch Hernandez
- 163 Forum 3 Rapporteur's Report
- 169 'Pag Meron Ka Nito, Wala Kang Talo! Ang mga Abugado, ang Hudikatura, at ang Arkitekturang Legal ng Awtoritaryanismong Marcos Froilan Bacungan · Raul Pangalangan · Marites Dañguilan-Vitug · Rene A.V. Saguisag
- Forum 4 Rapporteur's Report
- 221 My Husband's Lovers: Ang Pag-ibig at Pagkamuhi Kina FM at Meldy Magmula sa mga Martial Law Babies Hanggang sa Kasalukuyang Henerasyon Teresita G. Maceda · Frank Cimatu · Raissa Robles
- 265 Forum 5 Rapporteur's Report

#### APPENDICES

- 277 1.1 Excerpt from the Minutes of the 1287th Meeting of the Board of Regents on the Renaming of the UP College of Business Administration into the Cesar E.A. Virata School of Business, 12 April 2013
- 279 1.2 Letter from the Office of the Dean, University of the Philippines Diliman College of Business Administration to the University of the Philippines Board of Regents on the Renaming of the UP College of Business Administration to the Cesar E.A. Virata School of Business, 15 March 2013
- 297 1.3 Letter from the Office of the Chancellor to UP President Alfredo Pascual on the Request to Rename the College of Business Administration into the Cesar E.A. Virata School of Business, 11 April 2013
- 301 1.4 Intelligence Assessment, "Philippine Economic Decision Making: The System and the Players" by the Central Intelligence Agency, United States of America, March 1983
- "Nine-Hole Golf Course Is New Attraction on University Campus,"
   Diliman Star, 25 October 1952
- Confidential Cable from the US Embassy in Manila, "Imelda and the Intellectuals," 25 February 1976
- 319 1.7 Confidential Cable from the US Embassy in Manila, "Mrs. Marcos Chides New Alma Mater," 19 April 1977
- 323 1.8 Resolution Adopted by the UP Faculty Assembly, Some Members of the Faculty of the College of Business Administration, and the College of Law on the Suspension of the Privilege of the Writ of Habeas Corpus, 21 August 1971
- 327 1.9 Ferdinand E. Marcos on Agrarian Reform
- 339 2.1 Celsa Hilao, et al. v. Estate of Ferdinand E. Marcos
- Republic Act 10368, "Human Rights Victims Reparation and Recognition Act of 2013"
- 2.3 Excerpts from In Re Estate of Marcos Human Rights Litigation, 910 F. Supp. 1460 (MDL 840)
- 377 2.4 Yuchengco v. Sandiganbayan, G.R. No. 149802
- 389 2.5 Chico River-Basin Development Project
- 397 2.6 Selections from Philippines: Testimonies on Human Rights Violations
- 407 2.7 Confidential Cable from the US Embassy in Manila, "Congressman Solarz Calls on President Marcos," 26 November 1976
- 413 2.8 The Detainee Mariflor Parpan
- Excerpts from Generoso N. Subayco, Alfredo T. Alcalde, and Eleuterio O. Ibaez, petitioners, vs. Sandiganbayan and People of the Philippines, respondents, G.R. Nos. 117267–117310, 22 August 1996
- 425 3.1 Of Trickery and Omissions: Bongbong Marcos Biography from His Official Website
- 433 3.2 Popularizing Political Rehabilitation: Bongbong Marcos's Friendster
- 3.3 Excerpts from "Project Appraisal Document on the Purchase of Emission Reductions Proposed by the Prototype Carbon Fund in the Amount of USD 1.5 Million to the Northwind Power Development Corporation for a Northwind Bangui Bay Project," World Bank, 8 December 2004
- 447 3.4 Questionable Authorship Claim of Bongbong Marcos on the National Youth Commission Act
- 449 3.5 Ferdinand R. Marcos II v. Court of Appeals, The Commissioner of the Bureau of Internal Revenue and Herminia D. de Guzman
- 453 3.6 Heir to the Throne
- 459 3.7 (Governor) Bongbong Marcos, Game Hunter
- 463 3.8 Senate Bill 2593, "An Act Creating a Hydrogen Research and Development Center and Providing Funds Therefor, and for Other Purposes," 15 November 2010

- 467 4.1 Foreword, Ferdinand E. Marcos on Human Rights
- 469 4.2 Confidential Cable from the US Embassy in Manila, "Supreme Court Justice Calls for Lifting of Martial Law," 7 July 1976
- 473 4.3 Excerpts from Luneta v. Special Military Commission, G.R. No. L49473, and the Concurring Opinion by Chief Justice Fernando
- 475 4.4 Excerpt from "A Greater Responsibility for Our Soldiers," 26 January 1972
- 479 4.5 Citizenship of Justice Claudio Teehankee Sr.
- 4.6 Marcos Diary Entry, 15 September 1971 485
- 491 4.7 Marcos Diary Entry, 16 September 1971 497 4.8 Marcos Diary Entry, 18 September 1971
- 503 4.9 Marcos Diary Entry, 24 September 1972
- 509 4.10 Marcos Diary Entry, 25 September 1972
- 517 4.11 Marcos Diary Entry, 11 October 1972
- 525 4.12 Marcos Diary Entry, 14 November 1972 4.13 Marcos Diary Entry, 19 December 1972 531
- 535 4.14 Marcos Diary Entry, 20 December 1972
- 539 4.15 Marcos Diary Entry, 23 December 1972
- 545 4.16 Marcos Diary Entry, 27 January 1973
- 547 4.17 Marcos Diary Entry, 29 January 1973 4.18 Ferdinand Marcos's Self-Serving Presidential Decrees 549
- 561 4.19 Superexecutive, Supercourt, Superlegislature, and One-Man Constitutional Convention
- 573 4.20 Resolution of U.P. Law Class 1939 Declaring Its Unqualified Adherence to the New Society and Pledging Its Loyalty and Fealty to President
- Ferdinand E. Marcos 577 4.21 Marcos Diary Entries, 8 October 1970 and 11 June 1979
- 589 5.1 Letter from Luis Nepomuceno to Imelda Marcos on the Film Maharlika
- 593 5.2 "A Man of His Time," A Year Before Martial Law, 11 September 1971 599 5.3 Letter of Fr. Joaquin G. Bernas, SJ on the Barangay Brigade or Barangay
- Kawal, 22 May 1979
- 605 5.4 The President's Physique
- 5.5 Timeline from the Marcos Presidential Center Website 607
- 615 5.6 Excerpts from Agapita Trajano; Archimedes Trajano, Plaintiffs-Appellees, v. Ferdinand E. Marcos, Defendant, and Imee Marcos-Manotoc, Defendant-Appellant
- 621 5.7 Project Completion Report: Philippine National Railways
- 625 5.8 OFW Remittances: Executive Orders No. 857 and 1021
- 633 5.9 Excerpts from "The Peace and Order Situation" by Fidel V. Ramos, 28 March 1980
- 637 5.10 William Saunders and Jane Ryan
- 645 5.11 Francisco I. Chavez, petitioner, vs. Presidential Commission on Good Government (PCGG) and Magtanggol Gunigundo, (in his capacity as chairman of the PCGG), respondents
- 659 5.12 UP ROTC Website Profile on Alumnus Ferdinand E. Marcos
- 663 5.13 Executive Order 879, "Directing the Propagation of the Filipino Ideology and Creating a Committee to Evolve, Supervise and Monitor the Implementation of the Program for Its Dissemination"
- 671 5.14 Introduction, Introductory Readings in Filipino Ideology 675
- 5.15 Confidential Memo for Ferdinand Marcos from Arturo Tanco on Rice Crisis, 16 July 1973
- 679 5.16 Confidential Cable from the US Embassy in Manila, "Marcos Delivers Major Economic Policy Speech with Minor Results," 22 November 1976
- 685 5.17 Marcos Pays for Propaganda

## THE EDITORS' INTRODUCTION

Miguel Paolo P. Reyes Ricardo T. Jose

# Why Marcos Pa Rin!

ABSTRACT. This introduction explains how the Third World Studies Center (TWSC) of the College of Social Sciences and Philosophy, University of the Philippines (UP) Diliman decided to hold the public forum series "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos (Marcos Still! The Legacy and the Curse of the Marcos Regime)," thereafter introducing the contents of this issue that were drawn from or linked to that series.

KEYWORDS. Ferdinand Marcos · dictatorship · martial law · Marcos loyalists · propaganda

#### Introduction

Who shouts "Marcos Pa Rin! (Marcos Still!)"?

An obvious answer is: the Marcos loyalists. But who are they? Among today's loyalists, we can identify two probable extremes: (1) those who literally worship former president Ferdinand E. Marcos as a divine entity (absolute loyalty), and (2) those who at least appear loyal to him for electoral purposes (contingent loyalty). Regarding the former, a retired colonel, Bernabe Abella, once claimed responsibility for founding the Golden Eagles Marcos cult in Pangasinan in 1969 to attract "peasants away from the fledgling Marxist movement" (AP 1993). As reported, Abella said that "the scheme worked so well that after Marcos declared martial law in 1972, he and other officers presented the president with a secret plan to use mysticism against both the Communists and Muslim rebels in the South"; afterwards, "his fellow officers competed with one another to see who could build the biggest following" (AP 1993). Regarding the contingent lovalists, there are at least two Philippine partylist groups that are explicitly pro-Marcos: Friends of Imelda Romualdez-Marcos or FIRM-24K and Bantay, or The True Marcos Loyalist (For God, Country, and People) Association of the Philippines, Inc. From a political perspective, Bantay is the more successful of the two, since it was able to win a seat occupied by "communist butcher" retired major general Jovito Palparan—in the Fourteenth Congress (2007–2010); FIRM-24K has yet to win sufficient votes to enter the House of Representatives.

Another partylist group associated with Marcos is the anticommunist Alliance for Nationalism and Democracy (ANAD). ANAD had one seat in the Fifteenth Congress (2010-2013). Ilocanos and Marcos loyalists also famously overlap (see Aguino 2000), as do many Warays, especially those from Leyte, the home province of Imelda Romualdez Marcos. Both ethnolinguistic groups have partylists, too: in 2010, Agbiag! Timpuyog Ilocano, Inc., won one seat in the House, while An Waray won two. Members of the Iglesia ni Cristo sect are also (in)famously pro-Marcos. Their partylist, Alagad, won one congressional seat in 2010. We should also take cognizance of what remains of Marcos catch-all (dissidents?) party Kilusang Bagong Lipunan (New Society Movement). None of their national-level candidates won in 2010, but one of their senatorial candidates, singer Imelda Papin, received over 1,970,000 votes; the party's candidates for senator received well over of 4,100,000 votes that year, while their candidate for vice president, former broadcaster Jay Sonza, and their (eventually disqualified) candidate for president, the unknown Vetellano Acosta, received over 64,000 and nearly 182,000 votes, respectively.<sup>1</sup>

Aguino (2000) says that as soon as Marcos settled into exile in Hawaii after the 1986 People Power Revolution, a group called "Friends of Marcos" was organized by one Jose "Joe" Lazo, "a travel agent and radio commentator who originally came from Ilocos Sur," who made himself the unofficial spokesperson of Marcos in exile. Aguino (2000) described many of the Marcos loyalists in Hawaii as first-generation immigrants, though she also profiled loyalists who "tended to be younger, more educated and from a relatively middleclass background [who, due to their occupations,] had to 'play ball' or 'dance with the music,'" i.e., of their pro-Marcos clients. Further back, we can trace other loyalist groups through a book published in 1980 titled The Nation Builder, authored by Victor B. Lomingkit. The "about the author" back cover describes Lomingkit as "a Research Officer of the Loyalists for Marcos (LFM)." It has a foreword by Victor G. Nituda, who was identified as "Presidential Assistant and National Chairman, Loyalists for Marcos." Nituda is also the author of a book titled The

The number of votes mentioned here came from a dataset downloadable from the Open Data Philippines website (data.gov.ph) for the senatorial votes and Congress of the Philippines (2010) for the votes of Acosta and Sonza.

Young Marcos (1979), which argues that Ferdinand Marcos was destined for the presidency partly by accident of his early twentieth century Ilocano milieu, his parentage, and, of course, his (alleged) innate genius. Nituda's back-flap profile in his 1979 debut describes him as someone whose "professional relationship [with Marcos] dates back to 1951, when he first joined the staff of the then Congressman Marcos as a stenographer."

It thus seems safe to say that Marcos loyalists existed at least as early as the start of Ferdinand Marcos's political career in 1949. After all, he had to win hearts and minds (with [fake] stories of his guerilla exploits) to win an election (Ariate and Reyes 2016a, 2016b, 2016c). But apparently, they—excluding the abovementioned cults—only became officially organized in the 1980s. Before that, there had been many vociferous Marcos loyalists, disorganized though they may have been, such as Alfonso Santos, whose pro-Marcos books of poetry include Onward to Greatness, Reform for Greatness, Produce for Greatness,<sup>2</sup> and Marcos: Man of the Hour!, all of which were published during Ferdinand Marcos's first term (1966-1969). The opening strains of "He Is Good," one of the poems in Man of the Hour!, exemplifies the charming simplicity (charitably speaking) of Santos's verses:

Marcos is good!

He is not evil,

He is not mean,

And he is not heartless! (1969, 8)

Marcos may strike one as a tragic hero—Oedipus, perhaps, who won his crown through a storied feat, ruled well until a plague overcame his people, then, after realizing that he was the plague's proximate cause, stepped down from his throne, dying in exile. Marcos may also partly resemble Odysseus—a master of deception, a "man of many wiles," whose downfall started when, following a major victory, he led his men to steal from a certain people, thereafter they were forcibly ejected; diminished, he went through various trials, but he stayed adamant about returning to the land he had ruled over. There is even evidence that Marcos would have done what Odysseus didviolently kill all "usurpers"—had he successfully returned to his islandnation homeland.

<sup>2.</sup> This list comes from the preface of Santos (1969, viii).

Discourse on Ferdinand Marcos is often punctuated with such mythic reduction, which we can partly credit to the undeniable success of the Marcosian mythmaking machine. For decades, Marcos has defied a sober summation, with the pro-Marcos camps regurgitating the myths peddled by Marcos's propagandists and manufacturing their own glowing constructs of the "Greatest President Ever," and the anti-Marcos camps struggling to counter these myths with unadorned statements of fact, sometimes even made more clunky by historical research. Canonical evangelists and heretical writers of apocrypha alike have occluded the historical Marcos, highlighting instead Marcos as the center of a discursive binary opposition.

We, at the UP TWSC, were aware of all of these in 2010, when Ferdinand "Bongbong" Marcos Jr. won a seat in the Philippine Senate, the first Marcos to occupy a national-level position since the older Ferdinand Marcos was ousted in 1986. This victory may have emboldened Marcos loyalists to become more aggressive about their cause. In 2011, 212 members of the House-including all of the representatives of the abovementioned winning partylist groups coauthored House Resolution No. 1135, s. 2011, "Urging the Administration of President Benigno C. Aquino III to Allow the Burial of the Remains of Former President Ferdinand Edralin Marcos at the Libingan ng mga Bayani." Such number, 212 representatives, was equivalent to over 74 percent of the entire Fifteenth Congress. When then representative Bongbong Marcos, less than a month after the opening of the Ninth Congress's first session, filed a similar resolution in 1992 (House Resolution No. 80), only 104 representatives out of 220-less than half-officially joined his call.4

Seeing as how Pres. Benigno Simeon "Noynoy" Aquino III did not heed such calls, we admittedly remained complacent about the Marcos "resurgence." The TWSC instead focused on critically engaging the Aquino administration, conducting a public forum series entitled

The list of all the legislators who coauthored the resolution can be accessed via the Legislative Information System (LEGIS) of the House of Representatives website (www.congress.gov.ph/legis).

<sup>4.</sup> The full title of the resolution is "Resolution Entreating the Executive Department of the Government to Allow the Return of the Remains of the Late President Ferdinand E. Marcos to the Philippines to Lie in State at the Malacañang Palace and to be Accorded a State Funeral with All the Courtesies Befitting a Former President of the Republic of the Philippines within Ten (10) Days from Arrival." The list of coauthors can be accessed via LEGIS.

"The B.S. Aquino Administration: Possible Perversities, Perverted Possibilities" from June to September 2011. The series tackled church-state relations, the state of the Armed Forces of the Philippines, media-state relations and Aquino's image-building strategies, and local governance two decades after the enactment of the Local Government Code. The implications of the Marcoses' increasing political influence were not considered sufficiently "forum-worthy" at the time.

But the Marcoses will not simply settle for votes from an adoring crowd that catapulted them to public office. As is true of autocrats, they want state-sanctioned and state-induced glorification of their dear departed patriarch's brutal and kleptocratic regime. This objective they have already realized for years in their fiefdom of Ilocos Norte, what with annual festivities extolling the greatness of Ferdinand Marcos. But in 2013, forces tied to the rapacious dynasty from the north cast a permanent shadow in the supposed bastion of antidictatorial forces in the nation's capital, the University of the Philippines.

#### HERE WE HONOR DICTATORS AND THEIR ILKS

What eventually caught the Center's attention was a development close to home. On 13 April 2013, the Board of Regents of the University of the Philippines approved the request of the College of Business Administration (CBA) to change the name of the college—not just the building but the entirety of its academic program—to the Cesar E.A. Virata School of Business. Our Center-and many others inside UP—were shocked upon learning the news. It was appalling to us that the College of Business Administration would so honor a key member of the martial law regime of former president Marcos. Mr. Virata had been a key economic planner—a technocrat—in the regime and had even served as prime minister in the last years of that administration. It seemed as if there was an alarming case of historical amnesia wherein the ills of the Marcos martial law years were forgotten-or worse, condoned. Had people in the university forgotten the corruption, the cronvism, the human rights violations, the censorship, the lack of checks and balances in those years of dictatorship? What did this show about the university that had been a bastion of opposition and activism during those turbulent, suppressive years? Was this not historical

Details of the forum series can be seen at www.uptwsc.blogspot.com/2011/05/ twsc-launches-its-2011-public-forum.html.

revisionism by memorialization and an attempt to whitewash that era? If the CBA seemed to have forgotten about the dictatorship and the role Mr. Virata played in it, what more the students, who had not experienced the years of martial law?

The TWSC was established in the heyday of the dictatorship, in 1977. It had kept alive the spirit of activism and freedom of thought, being a center for free and critical discussion when such freedom was muzzled by the government. With this background, we felt that we had to do something to bring to the fore discussions on the issue of renaming the CBA specifically and, on a broader bent, the whole issue of what the martial law experience was like and the mixed legacies it left. We wanted to bring out not just the political and economic issues of the Marcos years, but also a wider perspective, including the legal framework, culture and the arts, media, and memory.

Thus, the subject of the martial law experience, its legacy and how it was remembered, became the focus of the Center's public forum series for 2013. This broad subject was given sharp and critical articulations by known academics, public intellectuals, civil society leaders, and journalists: Judy M. Taguiwalo, Nelson A. Navarro, Eduardo C. Tadem, Amado Mendoza Jr., Rodrigo C. Domingo, Fe Buenaventura-Mangahas, Rita Melecio, Meynardo P. Mendoza, Roberto Diciembre, Karen Gomez-Dumpit, Ferdinand C. Llanes, Gerardo Eusebio, Butch Hernandez, Froilan Bacungan, Raul Pangalangan, Marites Dañguilan-Vitug, Rene A.V. Saguisag, Teresita G. Maceda, Frank Cimatu, and Raissa Robles.

The level of analysis that they have presented during the forum, drawn either from their own personal experiences during the martial law years or from their years of scholarly research or both, generated lively and perceptive exchanges with the audience that led to articulations of novel and critical views on the accursed legacy of the Marcos regime.

The first forum in the series was held on 03 July 2013. Entitled "Marcos Pa Rin! Ang mga Isyu at Interes sa Pagpapangalan sa College of Business Administration na Cesar E.A. Virata School of Business" (Marcos Still! The Issues and Interests in Renaming the College of Business Administration Cesar E.A. Virata School of Business), the forum's speakers included faculty members of the university who had actively participated in the fight against the dictatorship and had been tortured for it. We tried to invite Mr. Virata to air his side, but he declined. Similarly, members of the CBA were invited but they too declined to participate. This was the only organized event in the

university wherein the issues surrounding the renaming of the college were discussed openly and in depth, and Caesar Saloma, then UP Diliman chancellor gave it his full support.

Since the renaming of the CBA was just one of several other developments indicating that the years of the Marcos dictatorship were either being forgotten or deliberately sanitized, the Center planned a series of four separate forums, with specially chosen speakers from the academe, the media, the government, and the civil society, among others, to discuss different aspects of the period. The rest of the forums were conducted from November 2013 to February 2014, the last timed to coincide with the anniversary of the 1986 People Power Revolution. All were held in the Faculty Center Conference Room (Pulungang Claro M. Recto), itself a historic venue for dialogue and debate in the university. The series also became a part of the activities commemorating the thirtieth anniversary of the College of Social Sciences and Philosophy.

Starting with the second forum, the forum titles were designed to appeal to a broad audience, referencing popular culture—two were based on the titles of soap operas (one each from the two major television networks), one on the slogan of an energy drink, and one on a popular comedy sketch. It was also decided that the concept papers be in Filipino, again to broaden their appeal. As for the forum panelists, we strived to achieve balance. We attempted to invite relevant pro-Marcos voices in each forum, but most of them declined our invitations.

The second forum, after that on the renaming of the CBA, focused on the payment of reparations to martial law victims, and the quest for justice and accountability for the abuses of the Marcos regime. Held on 20 September 2013 and entitled "Pangako Sa Yo: Kompensasyon sa mga Biktima ng Batas Militar" (My Promise to You: Compensation to the Victims of Martial Law), the forum featured academic, legal, and personal aspects of the compensation that the human rights victims should have received from the confiscated ill-gotten wealth of the Marcoses.

The third forum in the series, "Bonggang Bonggang Bongbong: Ang Rehabilitasyong Pulitikal ng mga Marcos" (The Extremely Fabulous Bongbong: The Political Rehabilitation of the Marcoses), was held on 28 November 2013. It examined the remarkable if not alarming return to political power of the Marcos family, without their admitting to any guilt or responsibility for the excesses of the years of one-man rule.

Historical revisionism or distortion through publications, the media, and especially over the internet, was shown, contrasting with personal reminiscences of the cruelties of the Marcos regime.

The fourth forum tackled the legal framework of the years of dictatorship. Despite UP's activist stance during those years, lawyers and professors from the UP College of Law had a hand in ensuring the legality—at least on paper—of the authoritarian administration. "Pag Meron Ka Nito, Wala Kang Talo! Ang mga Abugado, ang Hudikatura, at ang Arkitekturang Legal ng Awtoritaryanismong Marcos" (Have This and Be Invincible! The Lawyers, the Judiciary, and the Legal Architecture of the Marcos Authoritarianism), held on 15 January 2014, had high profile lawyers and a journalist giving their side on the underpinnings that ensured the legal stability of the dictatorship.

The last forum, "My Husband's Lovers: Ang Pagibig at Pagkamuhi Kina FM at Meldy Magmula sa mga Martial Law Babies Hanggang sa Kasalukuyang Henerasyon" (My Husband's Lovers: Love and Loathing for FM and Meldy from the Martial Law Babies until the Present Generation), took place on 4 February 2014. This differed from the previous forums because the theme was on how the younger generation perceived those controversial years: how they were taught, formally in school or informally through their parents and social media. The cultural aspects of opposition to Marcos, the experience and treatment of martial law by the mainstream and alternative press were highlighted.

Providing continuity through the symposia were Prof. Ma. Luisa T. Camagay from the UP Diliman Department of History (she moderated the first, third, fourth, and fifth forums) and Prof. Perlita Frago from the UP Diliman Department of Political Science (she moderated the second forum). Open to the public, the forums were well attended by students, martial law survivors, and members of the media, among others. The discussions that followed the formal presentations were lively and supplemented the talks by the panelists. The series as a whole brought out much new information, and was recorded. We thereafter made the videos available online through the TWSC YouTube channel (www.youtube.com/2009twsc).

#### A Counter-Archive

We cannot afford to let a sanitized view of the Marcos regime to further dominate the discourse on the Marcoses. To do so would be to abandon the very principle that led to the founding of the TWSC and guided its existence—that the academe must always be a space for freedom and unfettered critical inquiry. Hence, this issue, which contains the annotated proceedings of the "Marcos *Pa Rin*!" series. Over the course of planning how this issue should be structured, we saw that the proceedings provided an excellent opening for building an archive of primary sources that can counter the whitewashing of the dictatorship. Thus, appended to the forum series proceedings is a volume of documents—ranging from legal texts to extracts from the diary of Ferdinand Marcos—that hopefully, would allow readers to form a more historically accurate perspective on the Marcos regime and its legacies.

The majority of the documents here, though obscure when considered alongside secondary sources, are from online public access archives. Some, such as the materials from the files in the custody of the Presidential Commission on Good Government, have not been uploaded to any public access repository as of this writing, but many of them—especially those that are not currently involved in legal proceedings—can be accessed by researchers.

Obviously, the selection of documents here was determined by the contents of the transcripts of the "Marcos *Pa Rin*!" forum series—they are appendices first and foremost.

The set of appendices for the first forum contains documents that give further details on how the decision to rename the UP Diliman CBA came to pass, including the names of prominent UP alumni who endorsed the decision; as well as various documents that show whether Virata truly deserved to have a school of business named after him, and at the state's premier university at that. A number of the documents included also show connections between the Marcoses and UP that may have been forgotten.

The appendices for the second forum detail many Marcos-era human rights violations—some familiar to many, others less well-known—and should allow the reader to better understand how Marcos was connected to these abuses. Also included are legal documents such as the full text of Republic Act (RA) 10368, the Human Rights Victims Reparation and Recognition Act of 2013, which show precisely what Marcos-era human rights violation victims are or should be entitled to.

The documents related to the third forum show certain details about Bongbong Marcos's involvements in his father's regime that he did not fully acknowledge when he was running for senator, and how he obscured those details. We also included documents that can lead to a closer scrutiny of his accomplishments, many of which have been highlighted in his 2010 senate campaign over his parentage.

Forum four has the most appendices, the bulk of which are the full versions of the diary entries discussed by Marites Dañguilan-Vitug. Others detail how Marcos (ab)used his vast legislative powers and the relationships Marcos had with the members of the legal profession during his presidency.

Lastly, the appendices for the fifth forum include documents that can help shatter the major myths about the Marcoses and the Marcos dictatorship—from the claim that they did not hide their wealth to the fantasy that there was rice self-sufficiency throughout Marcos's tenure. Our selections in that set also show how such myths were peddled across time, up to our information age.

#### THE TRUTH HE TOLD AND THE LIES WE BELIEVE IN

Given the selection constraint, some materials, although fascinating, had to be excluded. Many were omitted because they were under strict copyright or were audiovisual in format.<sup>6</sup> Among these are materials that show how Marcos himself, through his statements, belie some deeply-held beliefs of the Marcos loyalists, which until now are very much part of the public discourse and are even being passed on as historical truth to a miseducated generation of Filipinos.

<sup>6.</sup> If one is inclined to do further research, one can start with the publicly accessible online repositories, such as the Access to Archival Databases of the National Archives and Records Administration, the Central Intelligence Agency Freedom of Information Reading Room, the HathiTrust Digital Library, the Internet Archive, the University of Minnesota Human Rights Library, the "United States and its Territories" site of the University of Michigan Library, online newspaper archives such as the (discontinued but still accessible) Google News Archive, the websites of the Supreme Court of the Philippines, the Court of Appeals of the Philippines, the Philippine Laws and Jurisprudence Databank of the Arellano University College of Law, the Chan Robles Virtual Law Library, the website of the Official Gazette of the Republic of the Philippines (Gov.ph), the websites of regional and global financial institutions such as the Asian Development Bank and the World Bank, and the websites of human rights groups such as Amnesty International. Then one can go to major publicly accessible libraries for nondigitized sources, or possibly for access to for-pay digital archives such as the Digital National Security Archive, Newspapers.com, or NewspaperArchive.com.

Marcos and the Kilusang Bagong Lipunan, always won their mandate fairly, having never cheated during elections. Connected to this, Marcos was the legitimate winner of the 1986 snap presidential poll.

At least twice, Marcos stated that there was cheating committed by "both sides." In a 1978 article from Associated Press writer William Mann, Marcos was quoted as saying that both the administration party and the opposition cheated, "but on a small scale and certainly not on a scale to affect the election." In the interview of Ferdinand and Imelda conducted by *Playboy*, Marcos said that "There was fraud on both sides [during the 1986 snap elections, but] mine was not massive" (Marcos and Marcos 1987). One wonders how many loyalists have adopted this notion of acceptable electoral fraud.

Marcos was ultimately a pacifist, as can be seen when he refused to fire on the protesters during the People Power Revolution.

Yes, there was that televised show of restraint wherein Marcos repeatedly shot down suggestions by Gen. Fabian Ver, chief of staff of the Armed Forces of the Philippines (AFP), to fire on the people gathered on Epifanio de los Santos Avenue in February 1986-"My order is to disperse the crowd without shooting them" were his exact words.<sup>7</sup> However, that statement meant that the AFP was authorized to use truncheons, rattan sticks, water cannons, lachrymators—their entire non-lethal, but certainly not non-violent, arsenal. Moreover, Marcos was taped as saying in 1987 that he planned to return to the Philippines from exile with a massive invasion force, ready to eliminate whatever human hindrance he would face; "if they oppose the landing, that is when we start the battle" (in Committee on Foreign Affairs 1987, 91). Also in 1987, as per a declassified Federal Bureau of Investigation communication, international arms dealer Sarkis Soghanalian "played a critical role in an attempt to transport former president Ferdinand Marcos from Honolulu, Hawaii to the Philippines in a possible coup attempt" (FBI 1988). Connected to this plot, Imelda Marcos was reported as making "\$2,000 worth of purchases from a [Hawaiian] army surplus store" in January 1987 (Times Wire Services 1987).

<sup>7.</sup> Excerpts of the Marcos-Ver exchange can be viewed at GovPH (2016).

Marcos always had a clear vision of what he wanted for the country, or at least had a clearly defined economic program.

According to a declassified diplomatic cable that can be accessed through the Digital National Security Archive, in a campaign speech he delivered on 5 May 1965, then senator Ferdinand Marcos criticized "The Gargantuan borrowing of the government and its agencies from the Central Bank, the Philippine National Bank and private banks," and swore that if elected president, he would "pare government spending to the very bone, in defiance of all [pressures, which will] permit expansion of forces in the private sector" (United States Department of State 1965). We need not reiterate here how debt-driven and monopolistic Marcos's eventual economic policies were (though anyone needing a refresher can start with the transcript of the first "Marcos *Pa Rin*!" forum).

"But the regional and global economic conditions changed significantly between 1965 until the Marcos regime contracted its first (onerous) loan," some loyalists might say. There is no room here to dispute that. Let us instead briefly look at Marcos's alleged consistent adherence to a "balanced agro-industrial economy," which he mentioned in one form or another in a number of issuances/addresses (e.g., Letters of Instruction No. 462 [Marcos 1976] and No. 1033 [Marcos 1980]; his 1983 and 1984 state-of-the-nation addresses [Marcos 1983; 1984b]). Despite such rhetoric (which he may have "borrowed" from President Carlos P. Garcia), in Marcos's address before farmers on Farmers' Day, 15 May 1981, Marcos (1981a) made remarks that suggested his partiality toward agricultural production—that, or he was toying with his audience's expectations:

Madali namang mapatunayan na mabuway ang kalagayan ng ilan sa mga tinataguriang mauunlad o industrialisadong bansa: kailangan lang nating tanungin sa kanila kung 'yang bang langis ay makapapawi sa pagka-uhaw? 'Yan bang asero o bakal ay maaaring ulamin? 'Yan mga kemikal o plastic ba'y maaaring gawing panawid-gutom kung hindi ipagpapalit sa pagkain? Maliwanag na hindi. At darating din ang panahon, na tila'y unti-unting napapa-lapit, na muling kikilalanin ang tunay na kahalagahan ng agrikultura sa ekonomiya ng daigdig.

<sup>8.</sup> In his inaugural address, Garcia said, "In the light of our experience it has been dramatically pointed out that a well-balanced agro-industrial economy is the best for the country" (1957).

We can easily prove the unstable conditions of some of the socalled developed or industrialized countries: we only need to ask them, can oil slake their thirst? Can steel or iron be eaten? Can chemicals or plastic line one's stomach or serve as food? Clearly, no. And there will come a time, which already seems to be at hand, when the true value of agriculture in the global economy will again be recognized. (Our translation.)

Lastly, let us look at one instance wherein Marcos clearly shoots himself in the foot. In 1984, in his address during the ceremonial first run of the Taft-Rizal Light Rail Transit system (LRT), Marcos (1984a) stated that "A proposal for a similar transport system had been broached as early as the first half of the 1960s, but due to the insistent lobbying of certain commercial interests and the vacillations of some policy-makers at that time, the proposal was rejected, much to our disadvantage. We have thus had to undertake the construction of the LRT burdened by the added cost of that early indecision." He conveniently omitted that it was during his first term when he enacted RA 4652, which gave the Philippine Monorail Transit System, Incorporated a franchise to build and run a monorail system "in the City of Manila and Suburbs and Cebu City and Province."9

Marcos could not have ordered the assassination of Benigno "Ninoy" Aguino Jr. because the former thought of the latter as his best successor.

In his 3 January 1970 diary entry, Ferdinand Marcos called Aquino "a congenital liar, a braggart and a compulsive chatterbox." In his 3 April 1971 diary entry, Marcos called Aquino "irresponsible" (Marcos, n.d.). A decade later, in the book Progress and Martial Law, Marcos described a counterfactual scenario wherein he did not declare martial law in 1972 and Aquino became president in 1973. Marcos therein stated that,

It is doubtful whether the Liberal Party or ex-Senator Aquino would have gone beyond restoring order and asserting the government's authority. Certainly, the use of martial law to

<sup>9.</sup> The full title of RA 4652: An Act Granting the Philippine Monorail Transit System, Incorporated a Franchise to Establish, Maintain and Operate a Monorail Transportation Service in the City of Manila and Suburbs and Cebu City and Province.

build a new society was not even contemplated. The principal objective beyond restoring public order would have been rehabilitation of the old political order, or at least, a slightly modified version of it. (Marcos 1981b, 26)

Lastly, when *Playboy* asked him what he would have done had Aquino not been assassinated, this was Marcos's response: "Bring him back to prison! Because he already had a death sentence over him, there was no need to assassinate him. All you had to do was bring him back to prison and let the execution take place" (Marcos and Marcos 1987). It is difficult to extract "Ninoy Aquino is my best successor" from any of these statements.

Marcos was staunchly for pressing the country's claim to Sabah; it was Ninoy Aquino who wanted to give up the country's claim.

In Revolution from the Center: How the Philippines Is Using Martial Law to Build a New Society, published in 1978, Ferdinand Marcos (or more accurately, his ghostwriter[s])<sup>10</sup> states that on the Second Summit Conference of ASEAN Heads of Government in Kuala Lumpur, held on 4–5 August 1977, he "announced [the Philippines's] intention to withdraw the Philippine claim to parts of North Borneo, so ending one of the most divisive issues in our regional relations" (Marcos 1978b, 84). His exact words uttered in August 1977 were, "I wish to announce that the Government of the Republic of the Philippines is therefore taking definite steps to eliminate one of the burdens of ASEAN, the claim of the Philippine Republic on Sabah" (in Flores et al. 1982, 78). There is no indication that Marcos changed his stance on Sabah between 1977 and 1986.

Marcos cannot be blamed for the human rights violations that were committed during his regime; only his subordinates should be blamed.

As discussed by Atty. Rodrigo Domingo in the second "Marcos *Pa Rin*!" forum, the passage of RA 10368 meant that the Republic of the

<sup>10.</sup> A publisher's note in the "popular edition" of the book (the version cited here) states that the book is made up of "material" from three previous books supposedly by Marcos: Today's Revolution: Democracy, Notes on the New Society of the Philippines, and Five Years of the New Society. Former minister of information Francisco Tatad revealed (e.g., in 2007) that the ghostwriter of the first two was Marcos spokesperson/brain trust member Adrian Cristobal.

Philippines officially recognized that various human rights violations were committed during the Marcos regime. In effect, RA 10368 also directly identifies Marcos as a human rights violator. Section 3(b)(1) of the law conclusively states that "any arrest, detention or deprivation of liberty carried out [from 21 September 1972 to 25 February 1986] ... on the basis of an 'Arrest, Search and Seizure Order (ASSO)', a 'Presidential Commitment Order (PCO)', or a 'Preventive Detention Action (PDA)' and such other similar executive issuances as defined by decrees of former president Ferdinand E. Marcos" was a human rights violation. Marcos's Letter of Instruction No. 772 (Marcos 1978a) plainly states that "No arrest, search and seizure order (ASSO) shall be issued under the emergency powers without prior clearance of the President/Prime Minister [i.e., Marcos]."

We can track down numerous statements by Marcos on killing with little more than a presumption of guilt. In his radio-television address after the promulgation of martial law in 1972, Marcos stated that, "the carrying of firearms outside residences even if such firearms are covered by licenses but without the permission of the Armed Forces of the Philippines is punishable by death" (Marcos 1972). In one extemporaneous speech delivered on 26 September 1972, which was included in a 1974 collection, Marcos told his soldiers, "if you meet insurgents in the street, urban guerrillas, or insurgents in the mountains, the rural guerrillas, you can utilize any [weapon; in fact, you] can utilize all the weapons of war" (Marcos 1974, 223). Besides rebels (or those being merely suspected of being such), Marcos, through his deployment of "secret marshals" in 1982 and 1984, allowed the deaths of dozens of criminals without the benefit of trial (Branigin 1984, St. Petersburg Times 1984). Marcos was quoted as modifying his order from "shootto-kill" to "shoot-to-disable" in 1984 (St. Petersburg Times), but he defended his marshals, saying that people, especially students, "want them to stay" or were "gratified" (Branigin 1984). However, "a student group strongly denied this, calling the reactivation of the marshals 'a barbaric act and concrete manifestation of the fascist character of the Marcos regime'" (Branigin 1984).

Some Marcos loyalists might say that most of the above may be considered as a strategic deception, that he lied for a beneficial purpose, or for the sake of national integrity or regional peace. Can we say the same of other lies from our chief executives? Should we let executive prerogatives determine the limits of transparency and accountability? Should dead dictators draw the line between propaganda and truth? Countering a Marcos lie repeated as often as a loyalist can shout "Marcos pa rin! (Marcos still!)" is a painstaking effort that is always collective in nature. This special issue of *Kasarinlan* offers an assurance that however disingenuous and unyielding the Marcoses are in crafting their propaganda, there will always be a countervailing force that can be relied on to unbury the truth.

#### ACKNOWLEDGEMENTS

The idea for a "Marcos Pa Rin!" public forum series came up during TWSC's initial discussions with UP professors Amado "Bong" Mendoza Ir. and Eduardo "Ed" C. Tadem. From these discussions, the TWSC research staff wrote the forum's concept papers and guide questions for the speakers. To realize the series, the Office of the UP Diliman Chancellor and the College of Social Sciences and Philosophy extended needed logistical support. The arduous task of transcribing the forums was done by Leny Leonor (forum 1), Jenny Ann Palacpac (forum 2), Princess Carla Nicolas (forum 3), Farida Bianca Velicaria (forum 4), and Ionathan Victor Baldoza (forum 5). Access to the digitized copy of the Presidential Commission on Good Government files were facilitated by the National Historical Commission of the Philippines and Meynardo "Roy" P. Mendoza. Judith Camille Rosette assisted in the retrieval of the digital files. They all greatly helped the Center in putting together the appendices to this volume. The National Historical Commission of the Philippines also provided funding for printing of this issue.

#### REFERENCES

- AP (Associated Press). 1993. "Marcos Cults Began in Politics, Now They End Up Deifying Him." *Journal Gazette* (Mattoon, Illinois), September 10, 8.
- Aquino, Belinda. 2000. "The Politics of Ethnicity among Ilokanos in Hawaii." Center for Philippine Studies, University of Hawai'i Manoa website. http://www.hawaii.edu/cps/ilokanos.html.
- Ariate, Joel, and Miguel Paolo Reyes. 2016a. "File No. 60: Marcos' Invented Heroism." Vera Files, July 2. http://verafiles.org/articles/file-no-60-marcos-invented-heroism.
- —... 2016b. "File No. 60: A Family Affair." Vera Files, July 3. http://verafiles.org/articles/file-no-60-family-affair.
- ——. 2016c. "File No. 60: Debunking the Marcos War Myth." Vera Files, July 4. http://verafiles.org/articles/file-no-60-debunking-marcos-war-myth.
- Branigin, William. 1984. "Marcos' 'Marshal Force' Toll Mounts." Honolulu Advertiser (Hawaii), June 26, 4.

- Committee on Foreign Affairs, House of Representatives. 1987. "The Marcos Tapes: Ferdinand Marcos' Plan to Invade the Philippines." Hearing before the Subcommittee on Asian and Pacific Affairs, One Hundredth Congress, First Session, 9 July. Washington, DC: Government Printing Office.
- Congress of the Philippines. 2010. "Resolution of Both Houses Approving the Report of the Joint Committee, Declaring the Results of the National Elections Held on May 10, 2010, for the Offices of President and Vice President, and Proclaiming the Duly Elected President and Vice President of the Republic of the Philippines." Senate of the Philippines and House of Representatives Joint Resolution No. 1. http://www.officialgazette.gov.ph/downloads/2010/06jun/20100609-laws-Joint-Resolution-1.pdf.
- FBI (Federal Bureau of Investigation). 1988. "Subject: Armenian Terrorist Matters." Memo to Director William H. Webster, January 8. In Lauren Harper ed., "The Merchant of Death's Account Book," Digital National Security Archive. https:// nsarchive2.gwu.edu/NSAEBB/NSAEBB502.
- Flores, Jeremia, Clarencia Reyes, and Rodolfo Sabio. 1982. "The Legal Implications of the Unilateral Dropping of the Sabah Claim." Philippine Law Journal 57(1): 78–103.
- Garcia, Carlos. 1957. Inaugural address, Luneta, December 30. http:// www.officialgazette.gov.ph/1957/12/30/inaugural-address-of-president-garcia.
- GovPH (The Official Gazette Youtube Channel). 2016. "Press Conference of President Ferdinand Marcos on February 24, 1986." YouTube video, 0:26. https:// www.youtube.com/watch?v=JBf2u451UiI.
- Lomingkit, Victor. 1980. The Nation Builder. n.p.: Zamboanga Nationalist Research Center for Development.
- Mann, William. 1978. "Marcos Probes for Origin of Opposition in Elections." Schenectady Gazette (New York), April 17, 40.
- Marcos, Ferdinand. 1972. "Radio-TV Address of His Excellency Ferdinand E. Marcos President of the Philippines." First address to the nation under martial law, Malacañang, 23 September. http://www.officialgazette.gov.ph/1972/09/23/radiotv-address-of-president-marcos.
- —. 1974. "A Greater Responsibility for Our Soldiers." Extemporaneous speech before defense officials and top Armed Forces of the Philippines officers, Ceremonial Hall, Malacañang, 26 September 1972. In Decisions for the Future: A Collection of Speeches of Ferdinand E. Marcos, 221-31. Manila: Bureau of Print.
- —. 1976. "Letter of Instruction No. 462, s. 1976." Republic of the Philippines. http://www.officialgazette.gov.ph/1976/09/22/letter-of-instruction-no-462-s-1976.
- 1978a. "Letter of Instruction No. 772, s. 1978." Republic of the Philippines. http://www.officialgazette.gov.ph/1978/11/27/letter-of-instruction-no-772-s-1978.
- —. 1978b. Revolution from the Center: How the Philippines Is Using Martial Law to Build a New Society. 2nd/popular ed. Hong Kong: Raya Books.
- —. 1980. "Letter of Instruction No. 1033, s. 1980." Republic of the Philippines. http://www.officialgazette.gov.ph/1976/09/22/letter-of-instruction-no-462-s-1976.
- ---. 1981a. "Address of His Excellency Ferdinand E. Marcos President of the Philippines on Farmers' Day." Delivered on May 15. http:// www.officialgazette.gov.ph/1981/05/15/address-of-president-marcos-on-farmersday-may-15-1981.
- ——. 1981b. Progress and Martial Law. n.p.: The author.

- —... 1983. "Message of His Excellency Ferdinand E. Marcos President of the Philippines to the Congress on the State of the Nation." Eighteenth State of the Nation Address, Batasang Pambansa, Quezon City, January 17. http://www.officialgazette.gov.ph/1983/01/17/ferdinand-e-marcos-eighteenth-state-of-the-nation-address-january-17-1983.
- —. 1984a. "Address of His Excellency Ferdinand E. Marcos President of the Philippines at the inaugural run of the Light Rail Transit System." September 10. http://www.officialgazette.gov.ph/1984/09/10/address-of-president-marcos-at-the-inaugural-run-of-the-light-rail-transit-system.
- —. 1984b. "Message of His Excellency Ferdinand E. Marcos President of the Philippine to the Congress on the State of the Nation." Nineteenth State of the Nation Address, Batasang Pambansa, Quezon City, July 23. http://www.officialgazette.gov.ph/1984/07/23/ferdinand-e-marcos-nineteenth-state-of-the-nation-address-july-23-1984.
- —. n.d. Marcos Diaries. Unpublished manuscript, library of the Presidential Commission on Good Government, Manila.
- Marcos, Imelda, and Ferdinand Marcos. 1987. "Imelda and Ferdinand Marcos, August 1987." By Ken Kelley and Phil Bronstein. *The Playboy Interview: Coupling*. Beverly Hills, California: Playboy Enterprises, Inc. Kindle edition.
- Nituda, Victor. 1979. The Young Marcos. Manila: Foresight International.
- Santos, Alfonso. 1969. Marcos: Man of the Hour! Quezon City: Balfon House.
- St. Petersburg Times. 1984. "Marcos Revives Secret Police Force." St. Petersburg Times (Florida), June 19, 18A.
- Tatad, Francisco. 2007. "Remembering Adrian Cristobal (Feb. 20, 1932–Dec. 22, 2007)." First Things First (blog), December 28. http://franciscotatad.blogspot.com/2007/12/remembering-adrian-cristobal-feb-20.html.
- Times Wire Services. 1987. "Imelda Bought Combat Boots but Marcos Didn't March." Los Angeles Times, January 29. http://articles.latimes.com/1987-01-29/news/mn-2379\_1\_imelda-marcos.
- United States Department of State. 1965, 17 May. "Presidential Candidate Ferdinand Marcos on Economic and Fiscal Policies" [with attachment, Ferdinand Marcos, "Economic Basis of New Call to Greatness," address delivered at the annual awards dinner of the Business Writers Association of the Philippines, Manila Hotel, 5 May 1965]. Airgram, A-926. Digital National Security Archive, "The Philippines: U.S. Policy during the Marcos Years, 1965–1986."



# FORUM 1

# Ang mga Isyu at Interes sa Pagpangalan sa UP College of Business Administration na Cesar E.A. Virata School of Business

Miyerkules, 3 Hulyo 2013, 9:00 n.u.-12:00 n.t. Pulungang Claro M. Recto (Faculty Center Conference Hall) Bulwagang Rizal, Kolehiyo ng Arte at Literatura Unibersidad ng Pilipinas (UP) Diliman

RICARDO T. JOSE (DIREKTOR, THIRD WORLD STUDIES CENTER AT PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang umaga sa inyong lahat at maraming salamat sa inyong pagdating maski masama ang panahon. I would like to acknowledge the presence of Chancellor Caesar A. Saloma, and of course, iyong mga bisita at tagapagsalita natin.

Ano ba itong paksa na ito? The issue of renaming the UP College of Business Administration (CBA) (basahin ang appendix 1.1, 277-78). Marahil ay narinig ninyo na bago na ang pangalan ng CBA at ito ay officially iyong Cesar E.A. Virata School of Business. Kailan ba [ito] nagpalit ng bangalan? It was actually fairly recently. Nalaman ng ibang faculty sa UP noong graduation ceremonies noong Abril nang iniannounce na Cesar E.A. Virata School of Business na ang institusyon na iyon. Ngayon, out of this, maraming mga isyu at maraming mga kontrobersiya ang lumabas, maraming nagsulat sa diyaryo, maraming nagsulat din sa mga [online] discussions, pero wala pang opisyal na forum sa UP na tumalakay sa isyu na ito. So, sa Third World Studies Center, we think that it is a good opportunity na puwede nating i-discuss ang isyu na ito from different vantage points. And we try to see from different perspectives kung ano iyong mga issues, ano iyong mga kontrobersiya, ano iyong mga problema na involved dito. Among these, we found out that there were issues relating to [the] naming of institutions.

Mayroon tayong patakaran on naming physical structures, buildings, roads, [and] plazas. May republic act relating to this and the rules are very clear. Kaya lang, kapag sinabing mga institusyon, it can sound not as clear as that, so medyo may gray area dito. But anyway, ano ba iyong chronology nito?

The CBA faculty unanimously decided that they would request the formal change of name on 19 July 2012. They wrote a formal letter to the Board of Regents (BOR), which they submitted through channels dated 15 March 2013 (basahin ang appendix 1.2, 279-96). It was studied by the chancellor's office and raised to the BOR on 11 April 2013. The chancellor wrote that he was recommending approval, provided—and this was very clear in his letter—na magkaroon ng clear guidelines on naming institutions especially after people who are still alive (basahin ang appendix 1.3, 297-300). Iyon iyong one of the major issues. Aside from this, there were also issues relating to the role of Virata during the martial law years, which led a lot of the faculty to think na parang very short iyong memory ng mga Filipino, that they have forgotten what happened during the martial law years, and that Virata was the prime minister during the 1980s and was an active player during the Marcos administration. So, there are several issues that were involved here. These will be discussed in fuller detail by the speakers that we have this morning. So, rather than go further into these, I would like to turn over the discussion to our speakers. Ito iyong some of the items that we have found. There are some very strong reactions to the renaming of the CBA. It is the only institution I think, at least in UP Diliman, that is named after a living person at this point. So, may mga iba't ibang issues and we hope to take this as an opportunity to discuss these in a more formal way. Maraming salamat muli sa pagdalo ninyo dito.

MARIA LUISA T. CAMAGAY (PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Salamat, Dr. Jose. Ipapakilala ko iyong mga tagapagsalita natin ngayon ayon sa kung paano sila nahahanay sa ating programa at pagkatapos ko silang

<sup>1.</sup> Ito ay ang Republic Act No. 1059, "An Act Prohibiting the Naming of Sitios, Barrios, Municipalities, Cities, Provinces, Streets, Highways, Avenues, Bridges, and Other Public Thoroughfares, Parks, Plazas, Public Schools, Public Buildings, Piers, Government Crafts and Vessels, and Other Public Institutions after Living Persons." Ayon sa section 1 ng batas na ito, kung kondisyon ang pagpapangalan sa isang donasyon na magiging pabor sa gobyerno, maaring ipangalan ang mga nabanggit na pampublikong institusyon sa buhay pang tao.

ipakilala ay magsasalita na si Dr. [Judy] Taguiwalo, G. Nelson Navarro, Dr. [Eduardo] Tadem, at Dr. Amado Mendoza.

Si Dr. Judy Taguiwalo ay propesor sa [Women and Development Program] bago pa ito maging Women and Development Studies sa College of Social Work and Community Development dito sa UP Diliman. Siya ay naging faculty regent [ng UP] at naging political prisoner noong panahon ng diktadura ni Marcos.

Si G. Nelson Navarro naman ay kolumnista sa Philippine Star at alumnus ng CBA, UP Diliman. So, [magsasalita siya] tungkol sa bagay na ito na lumabas sa kaniyang column noong Linggo.

Si Dr. Eduardo Tadem ay propesor sa Asian Center, UP Diliman at ang kaniyang mga areas of interest ay rural development, agrarian reform and the peasantry, at social movements and civil society organizations. Siya ay nakapagsulat na ng papel hinggil sa paksang ito na pinamagatang "Technocracy [and the Peasantry: Martial Law Development Paradigms and Philippine Agrarian Reform]" (Tadem 2015).

Si Dr. Amado Mendoza ay propesor sa Departamento ng Agham Pampulitika sa College of Social Sciences and Philosophy, dito rin sa UP Diliman. Ang kanyang mga interes ay international studies, policy research and advocacy, at business/economic journalism.

Sila po ang ating mga tagapagsalita. Sa palagay ko, marami tayong mapupulot na kaalaman at magiging mayaman ang ating talakayan. So, tawagin po natin muli si Dr. Taguiwalo.

JUDY M. TAGUIWALO (PROPESOR, PROGRAMA SA KABABAIHAN AT PAG-UNLAD, KOLEHIYO NG GAWAING PANLIPUNAN AT PAGPAPAUNLAD NG PAMAYANAN, UP DILIMAN): Ang gusto kong pokus sana ay ang pag-rename ng UP CBA sa konteksto ng nangyayari sa UP sa kasalukuyan.

Para sa akin, tatlo ang sangkot sa mga isyung kaugnay ng pagpapangalan sa UP CBA na Cesar Emilio Aguinaldo Virata School of Business: (1) ang isyu ng pagbibigay-dangal sa mga matapat na naglingkod sa awtoritaryang rehimen ni Marcos; (2) ang isyu ng pagpapangalan ng mga gusali at programang pang-akademiko ng UP sa mga buhay na tao at batay sa donasyon sa konteksto ng neoliberalismo sa ngayon sa Pilipinas at sa buong daigdig; at (3) ang isyu ng demokratikong proseso ng pagdedesisyon sa loob ng unibersidad. Hindi magkakahiwalay ang mga isyung ito dahil nakasalalay ang mga ito sa katangian ng UP bilang isang pampublikong unibersidad, ang naging papel nito sa kasaysayan, at ang kaniyang kasalukuyang tunguhin sa panahon ng neoliberalismo.

Ang isyu ng pagbibigay-dangal sa matatapat na naglingkod sa awtoritaryang rehimen ni Marcos. [Sa] pagtingin ko, marami na tayong nabasa, marami nang naisulat at narito ngayon si Nelson Navarro na maglilinaw pa kung bakit hindi katanggap-tanggap, bakit historical revisionism, bakit adding insult to injury, ang pagpapangalan ng isang akademikong yunit ng UP sa isang matapat na naglingkod sa diktadurang Marcos (basahin ang appendix 1.4, 301–10). Marami nang mga usapin tungkol dito. Ang sabi:

Virata was a robotic technocrat, unfeeling of the sorry state of the people, programmed by, and following, his boss' program to a T . . . . He does not deserve the honor UP gave him. Decency dictates that he decline it. Virata is a case study of morality and ethics. What was committed in naming the CBA after him was a violation of moral and ethical standards; it effectively approved his behavior while serving the Marcos regime. (Pulmano 2013)

Galing ito sa isang alumnus ng UP na si Eugenio A. Pulmano na taga-UP College of Medicine.

Nabasa rin natin ang kolum ni Randy David (2013) at ganoon din ang sinabi:

By naming its school of business after a Marcos technocrat, UP is, in effect, signaling that it aims to produce graduates who, even as they excel as problem-solvers in their respective fields, can be trusted to put their political consciences on hold while they do their work.

At ang "Historical Revisionism" [na] editoryal ng [Philippine Daily] Inquirer (2013):

Another argument is "we consulted the constituents in the college." Ignore for now the posts in the social media from alumni and students denying precisely this. Even assuming a bona fide consultation—and we have copies of the signatures of alumni, students, faculty, former deans of the CBA who supported the recommendation of the dean of the CBA—this is one choice where there are stakeholders outside the college, namely, the other members of the UP community who have invested much of their lives fighting the Marcos dictatorship.

If their sacrifices are about to be diluted, surely they are entitled to be heard on this issue.

Yet it is more than just a problem of forgetting. The renaming is just a symptom of a deeper problem: the drastic shift in people's mindsets away from looking at Virata's place in history and toward looking at him as an individual. It is now possible to extol Virata's personal virtues and be oblivious to his lending his sterling reputation to deodorize the Marcos dictatorship. The UP BOR had this to say: "Virata has served UP, the Philippine government and the country for many years and with clear distinction."

So, those are the criticisms from outside the university. At siyempre, I am in full agreement with those criticisms. I believe that UP should uphold respect for honor and excellence, that is supposed to be the call of the university. Excellence cannot be separated from honor. We say that again and again. And we say that, "UP ang galing mo, ialay sa bayan, hindi sa diktadura."

Ang isyu ng pagpapangalan ng mga gusali at programang pangakademiko ng UP sa mga buhay na tao at batay sa donasyon. Sinabi ni Rigoberto ["Bobi"] Tiglao, "Nakakainsulto." Pinangalan na nga sa isang minion ng diktadura, hindi pa humingi ng donasyon. Magkano ba ang donasyon? Limang bilyon? Dalawang bilyon mula sa hidden wealth ng mga Marcoses? Hindi ito ang point, pero ito na nga ang patutunguhan ng unibersidad. "Marcos Pa Rin!" ang isyu sa forum natin ngayon pero kinukonteksto ko ito sa tunguhin ngayon ng UP ng pagbebenta ng naming rights sa university.

Relatibong bagong patakaran ang pagpapangalan ng mga gusali sa UP batay sa donasyon. Ang patakaran noong 1984 sa pagpapangalan sa mga gusali, istruktura, kalsada, at iba pang lugar—take note, places, walang academic programs—ay "after outstanding alumni for their exceptional and exemplary professional, scientific, or artistic achievements." Galing ito sa [UP] Naming [Rights] Policy ng BOR na inaprubahan noong Agosto 2009 (University of the Philippines Gazette 2009b).

Ang guidelines ay binago sa panahon ni President Francisco Nemenzo. Ang guidelines sa pagpapangalan ng mga buildings, structures, streets, parks, and other places na may kakabit na donasyon ay inaprubahan ni UP President Nemenzo noong 27 Hulyo 2004 at inihapag sa BOR bilang

Matters for Information of the Board noong ika-1185 meeting ng Board noong 26 Agosto 2004. "Noted" ang naging [tugon] ng BOR.

Ano ang laman ng patakarang iyon? Ang pagpapangalan, "1... may be named after natural (living or deceased) persons, juridical persons and objects. 2. [Naming] . . . shall be allowed only when it is made a condition in a donation in favor of the University and for meritorious considerations," kapag living persons (University of the Philippines Gazette 2009b, 56). So, consistent siya sa batas na sina-cite ni Rene Saguisag. Pangalanan mo ang building sa buhay na tao kapag kondisyon siya sa donasyon. Pero nakasaad din doon:

3. In naming a building, a structure, a street, a park or a place in the University after a natural or a juridical person, the person so honored: 3.1.1. must have exceptional or exemplary achievement in his/her field/profession, or significant contribution to the University of the Filipino people; and 3.1.2 must have sterling reputation or could be looked upon as a role model of the youth. (*University of the Philippines Gazette* 2009b, 59)

May "3.2," hindi lang sa amount ng donation. Although sinasabi na "the donation should not be less than 50%"—may pera-pera na talaga—"of the construction cost of such building, structures, streets, park or place" (University of the Philippines Gazette 2009b, 57).

Lalong na-institutionalize ang guidelines noong 28 Agosto 2009 sa 1248th pulong ng Board. Kabahagi ako ng BOR nang inaprubahan ito—ang Naming [Rights] Policy na inihapag ng noon ay UP President Emerlinda R. Roman na siya ring number one signatory sa endorsement ng recommendation sa renaming ng CBA. At nililinaw niya na mahalaga ito to supplement government funding. So, ang naming ng mga buildings ng UP ay kaugnay ng patuloy na kakulangan sa subsidyo ng gobyerno sa isang public university katulad ng UP. Pero pinalawak ng patakarang ito ang saklaw ng puwedeng pangalanan mula doon sa 2004 guidelines ni President Nemenzo. Nandoon pa rin ang "buildings or parts of buildings (such as wings, pavilions or annexes); theaters, laboratories, classrooms; outdoor areas, which may be gardens, courtyards, ovals and playing fields, roads or walkways; other facilities that may be recommended for naming; chairs, centers, institutes; [and] programs and projects" (University of the Philippines Gazette 2009b, 56).

Inihapag ng administrasyong Roman ang patakarang ito pagkatapos ng BOR meeting noong Hulyo 2009 kung saan matindi ang talakayan kaugnay sa pagpapangalan sa bagong tayong mga gusali, [tulad ng] iyong kolehiyo, Dr. [Eduardo] Tadem. Ano ang proposal in the naming of the new Asian Center facilities to be donated by Toyota Motor Philippines to the university:

(1) That the entire 1-hectare property be officially designated as the GT-Toyota Asian Cultural Center;

### GT as in George Ty-

(2) That the Museum-Library Research Institute building be named GT-Toyota Hall of Wisdom; and, (3) that the auditorium retain the name originally proposed GT-Toyota Asian Cultural Center Auditorium. (*University of the Philippines Gazette* 2009a, 51)

Mahabang talakayan ito na sa minutes sinabi ko na:

... this is the first time that a building in the university is going to be named after a corporation. In the past, buildings in the university are named after heroes or deceased administrators/academic leaders of UP... naming a building after George Ty and Toyota on the account of their donations runs counter to the spirit of the university as state university. Previously, donors were simply honored with plaques of appreciation [located in prominent places on the building].

The chair [Emmanuel Angeles] took note of the observations of the faculty and the student regents. He then called for a division of the house.

Five (Regents [Emerlinda] Roman, [Abraham] Sarmiento, [Nelia] Gonzales, [Alfredo] Pascual, including Regent [Cynthia] Villar...) voted in favor of the proposal. Three (Regents [Judy] Taguiwalo, [Clodualdo] Cabrera, and [Charisse Bernadine] Bañez) voted against the proposal. (Ibid., 51–52)

Mahalagang matukoy ang pag-apruba sa GT-Toyota building bilang unang break sa tradisyon ng pagpapangalan ng mga gusali sa UP batay sa accomplishments ng binibigyan ng karangalan at hindi batay sa donasyon. We are talking of buildings here. Dati ang mga nagbibigay ng donasyon ay

kinikilala sa pagpapangalan ng mga professorial chairs or awards or scholarships para sa kanila. Dati nang praktika ito. Ang nagbibigay donasyon sa mga pagtatayo ng mga gusali ay kinikilala sa pamamagitan ng plake na kumikilala sa kanilang kontribusyong pinansyal. Matingkad na halimbawa nito ang "Sentro Optalmolohiko Jose Rizal ng PGH [Philippine General Hospital]" na itinayo sa pamamagitan ng donasyon ng pamahalaan ng Espanya. Hindi ito pinangalanang "Spanish Government Ophthalmological Center," pero may malaking plake sa bungad ng gusali na kumikilala sa donasyong ito.

Ang praktikal na pagpapangalan ng mga gusali kapalit ng donasyon sa unibersidad at lumilitaw sa debate kaugnay ng pagpapangalan sa CBA na Cesar E. A. Virata School of Business Administration ay bahagi ng patuloy na pribatisasyon ng isang pampublikong unibersidad tulad ng UP. Malinaw na praktika ng mga pribadong unibersidad sa Pilipinas tulad ng Ateneo at La Salle na ipangalan, hindi lamang ang kanilang mga gusali kundi pati na ang kanilang pang-akademikong programa, sa malalaking donors. Sa La Salle, halimbawa, nariyan ang "Ramon V. del Rosario College of Business" at ang "Gokongwei College of Engineering." Ang Ateneo naman ay mayroon ding "John Gokongwei School of Management." Talaga namang mayaman-yaman ang mga Gokongwei.

Hindi ako nagtataka na ang unang gumawa ng hakbang na mawasak ang tradisyon ng UP bilang isang pampublikong unibersidad at gayahin ang praktika ng mga pribadong unibersidad ay ang CBA. Hindi lamang sa pagpapangalan ng building sa isang korporasyon na akala ng iba ay pagawaan ng kotse ng Toyota dito sa UP, kundi sa ngayon ay ang pagbabago ng pangalan ng isang akademikong programa na lilitaw sa certificates ng mga estudyante ng UP, kung hindi man sa kanilang diploma.

Sinabi ko noon sa panahon ng administrasyong Roman na bumilis ang kumpas ng pribatisasyon ng UP, at ito iyong presentation ko noon sa 20[10] Alumni Council:

Some of the manifestations of the diminishing public character of the University are the transfer to the students of a larger part of the cost of their education through increased tuition and the imposition of various fees such as higher and/or new laboratory fees, joint ventures with big business, the selling of naming rights, the privatization of former university services such as the University Food Service and the UP Printery, contracting a private entity to set up laboratory, pharmacy, and radiology inside the PGH compound. (Taguiwalo 2010)

Initially named the Daniel Mercado Medical Arts Building, now renamed Faculty Medical Arts Building, because [of] the attempt to downplay the protest [regarding] "the private management of university dorms," reached approval [of] the BOR but which fortunately has not been implemented in the current administration "are only some examples of the accelerating and diversified ways of privatization of the University of the Philippines" (Taguiwalo 2010).

A UP alumnus, Eric "Cabring" Cabrera, suggested the following renaming of other UP institutions to continue the momentum started with the approval of the Cesar E.A. Virata School of Business. Kung hindi ninyo pa nabasa sa Facebook, babasahin ko na lang ngayon:

The Benigno Simeon Cojuangco Aquino III School of Neoliberal Economics;

The Ferdinand Edralin Marcos College of Martial Law;

The Vicente Castelo Sotto III Creative Writing Center;

The Liwayway Gawgaw Tapia College of Education;

The Manuel "Lito" Lapid College of Superhuman Kinetics;

The UP Maroonongs (to replace Maroons; pampataas ng confidence levels, especially for the basketball team);

The Gloria Macapagal-Arroyo National College of Public Administration and Governance;

The Wilfredo Buendia Revillame College of Mass Hysterical Communications;

The Lucio Tan School of Contractual Labor and Industrial Relations:

The Henry Sy Sr. University Shopping Center (pushing for "Mart");

The Sixto Serrano Brillantes Jr. Financial Assistance Program (to be known as the Sixto-FAP) with Brackets 60, 30, and 10:

The Imelda Romualdez Marcos Sunken Garden of Truth, Goodness, and All Things Beautiful; and

The Zobel de Ayala Public-Private-Partnership University of the Philippines (Cabrera 2013)

Ang isyu ng demokratikong proseso ng pagdedesisyon sa loob ng unibersidad. I think it would be good if we understand the governance processes involved in the decision regarding the renaming of an academic unit. I would just like to note that there are ongoing

donations for buildings in UP Diliman. At least, the donation made by Rep. [Fatima Aliah] Dimaporo to the College of Architecture Auditorium has not been named "Dimaporo Auditorium." It is called Mindanao Auditorium because she [gave] PHP 50 million. But happily, she did not impose as a condition of the donation that it be called the "Dimaporo Auditorium."

The College of Arts and Letters has also received donations for the construction of a theater. A simple groundbreaking ceremony was held on June 13 at the site [where the theater,] envisioned to be a three-story building from the design of architect Jason Buensalido, will be erected]. But who are the donors? Present during the ceremony were UP President Alfredo Pascual, UP Diliman Chancellor [Caesar] Saloma, College of Arts and Letters Dean [Flora Elena] Mirano, officials of the Euro Towers International Inc. led by Ignacio Gimenez, chairman of the board and a UP Diliman alumnus, Edmundo Las, Hotel Sogo chief executive officer, and William Go, the hotel managing director. Does this mean that we are going to have a Sogo theater inside [UP]? We can laugh so much if it does not hurt kung hindi talaga ang pagpapangalan ng academic unit ay pagbibigay-dangal sa isang masugid at matapat na tagapaglingkod ng diktadurang Marcos. Hindi na rin ako nagulat, kasi noong last graduation, sino ang commencement speaker ng UP? Si Edgardo Angara, na ganoon din naman ang masasabi natin. Ano ba ang naging papel ni former senator Edgardo Angara sa panahon ng diktadurang Marcos? Uulitin ko, ang pagbibigay-dangal sa mga naging bahagi ng diktadurang Marcos ay betrayal ng mga sakripisyo—kabilang ang sakripisyo ng buhay ng maramiraming estudyante, kabataan, guro, at mamamayang Pilipino na lumaban sa diktadurang Marcos. Walang puwang ito sa UP na pamantasan ng bayan. Magandang umaga po sa ating lahat.

NELSON A. NAVARRO (KOLUMNISTA, PHILIPPINE STAR): Grumadweyt ako sa CBA noong 1968 at si Virata ang pumirma sa aking diploma. Noong 1968, kagalanggalang pa iyang si Virata. I mean you know, [graduate ng The] Wharton [School] at saka talagang technocrat.

Itong pagpapangalan kay Virata, as far as I am concerned, is invalid. It is against the law. Hindi lang ito pinoint out ni Rene Saguisag na mayroong republic act na nagbabawal magpangalan sa mga taong buhay pa. Ngayon, nakausap ko rin si [Maria Serena] "Maris" Diokno, na ngayon ay chairperson ng [National Historical Commission of the Philippines] at sabi niya may pamamalakad tayo na ang pagpapangalan ng mga ganito, kailangang [pagkatapos] pa ng fifty years. Patay na sila ng fifty years. Bakit

kailangan ng fifty years? Kasi iyong judgment natin is flawed. Kung immediate, madadala sa emotions, madadala sa passion ng times. Kapag pinangalanan mo iyong talagang napakalaking institusyon, kailangan na humupa na iyong mga batikos, humupa na iyong mga sipsip, at ang lalabas ay kung ano talaga ang intrinsic work ng isang tao.

Ngayon, ang sabi niya, itong batas na ito ay talagang ibinasura na, binaboy na ng panahon ni Marcos. Kasi pinangalanan na nila lahat na "Imelda this, Imelda that." Pati iyong tatay nilang patay na, si Don Mariano Marcos, pinangalanan, si Doña Josefa, at lahat na. Talagang binaboy nang husto. Kaya kung ipapangalan kay Cesar Virata, bakit pa? Huli na ang lahat. Isang college lang ang pangalanan mong Cesar Virata, napakalaking kasalanan na. Ipinangalan na nga natin kay Marcos ang lahat, kay Imelda ang lahat ng bagay na ito. Plainly illegal ito.

Malapit ako sa pamilyang Diokno at kaibigan ko rin si UP President [Alfredo] Pascual, at naiintidihan ko kung anong klaseng pressure at pagrerailroad ang ginawa para ipasa ito. Remember that iyong petition ng CBA—nag-consultation sila Marso, at Abril inaprubahan, tapos iniannounce na sa graduation na Cesar Virata na pala [ang bagong pangalan ng kolehiyo]—sino ang kinonsulta nila? Hindi ba nagpa-final examinations ang mga bata. You know, ito ay railroad[ed]. There was no attempt to reach alumni like us. Wala akong kilalang graduate ng CBA na kinonsulta nila. Kasali pa rin kami sa kolehiyo na iyan. Feeling ko, kung si Maris Diokno ang naging presidente ng unibersidad na ito, maski iisang boto lang iyon, maninindigan iyong kaibigan ko na iyon. It just goes to show na, kailangan pa ba na magsakripisyo ang isang pamilya para manindigan sa bagay na klarong klaro naman? Kaya iyong petition ko, appeal to President Pascual and the BOR. There is no excuse for your bad judgment. In spite of the railroading na ginawa ng pangkat ni Angara—and do not kid me about it; I know exactly who railroaded that petition—you should have stood up for the higher interest of the university and the higher interest of the nation.

Decency requires Virata to reject this undeserved honor and for UP officials to accept the withdrawal of Virata. Kaya lang, nangangarap tayo. Garapal talaga iyang si Virata. Hindi niya iwi-withdraw. At siguro dahil nasa batas na, pinalitan na, mamaya nakalagay na doon, Virata [and others], ang pangalan. Siguro naghahabol tayo sa tambol mayor. But, maski naghahabol tayo sa tambol mayor, ito lang ang gusto ko [sabihin]: the argument is beyond Virata.

Virata is a very nice gentleman. We have always had a good relationship. I will meet him and say, "Kumusta po kayo?" and everything

like that. Wala akong masasabi sa pagkamaginoo ni Mr. Virata. Kaya lang, I beg to disagree na kailangang ipangalan at i-honor natin iyong position niya. Kasi talaga namang naglingkod siya at sumisipsip siya sa diktadura ni Marcos hanggang ngayon.

Maraming mga taong nagkamali, naglingkod kay Marcos, at nagsisisi na sila. Tinalikuran na nila si Marcos at sumali sa pagbabago. Ehemplo: si Juan Ponce Enrile, si Fidel Ramos. Tinalikuran na nila kaya nakaka-move on na sila. Itong si Virata, nunca, nunca. Never, never. Jinustify pa niya ang paglilingkod up to the bitter end and up to now. Walang regrets. Ito ba ay pamamalakad ng isang taong matino at taong kagalang-galang? I would dare say na hindi. Kakapalan ito ng mukha at kailangang i-denounce repeatedly.

Alam mo ang argument ng mga kaibigan ni Virata: kung hindi si Virata daw ang naglingkod kay Marcos, mas masaklap ang nangyari sa bayang Pilipinas. My God, this is the most self-serving, the most idiotic, the most insulting argument of all. This very reasoning was invoked by the minions of Hitler at the Nuremberg Trial. Ang sabi nila, kung hindi kami nagsipsip, kung hindi kami naglingkod kay Hitler, siguro, hindi lang six million Jews ang na-incinerate, kung hindi pati kayong lahat. Dapat tayong magpasalamat sa kagaguhan na iyon? Buti na lang noong Nuremberg Trial binitay silang lahat.

Pasalamat si Virata na ang Filipino talaga masyadong pusong-mamon. Galit na galit tayo pero pinatawad natin. Kaya iyang mga balimbing na iyan nagsamantala at ngayon, iniinsulto pa tayo sa pagmumukha na natin at we are taking it lying down. I beg to disagree. Alam mo iyong ating "bloodless revolution," walang firing squad. Iyan, buhay pa si Imelda ngayon at congresswoman. Iyong anak niya, governor. Iyong isang anak niya, senator. Ang kakapal talaga ng mukha.

Anong nangyari sa Romania, hindi ba? Iyong si [Nicolae] Ceausescu, pagkahuli sa kanila, pok! Binaril sila. Hindi ako nag-a-advocate ng firing squad. Masyadong madugo iyan. Pero itong ganitong klaseng insulto, sinasabi ko, sana nagkaroon nga tayo ng firing squad para wala na itong problema natin na hinaharap ngayon. Na iniinsulto na tayo ay nakabungisngis pa rin tayo. Noong minention ni Judy Taguiwalo iyong mga jokes, talagang nakakatawa. Iyon ang problema ng mga Filipino. Lahat ng mga bagay na seryoso, lahat ng mga bagay na yumuyurak sa dangal ng ating bayan, ginagawa nating joke only. Hindi na ito joke. But as she points out, kung hindi tayo tatawa, ay iiyak, hahagulgol tayo. Mas masama naman iyon, hindi ba?

Si Virata, noong ako ay estudyante pa sa CBA, kinuha iyang maging secretary of finance—very good. Kasi noong 1960s, there was such a thing

as technocracy. Parang sabihin natin na modern government—Kennedy administration, etc.—bring young, intelligent, bright, idealistic, the best and brightest of a particular country into government because they will cleanse the government and make it run efficiently. They are unlike the trapos—the politicians, the governors, the congressmen—na puro patronage na lang at puro pork barrel na lang na paghahatian nila. Ninanakawan lang nila ang bayan. Pero kapag kumuha tayo ng matitinong tao na edukado, may mga degrees, doctorates, mula sa abroad, alam nila kung paano patakbuhin ang gobyerno.

Kaya kinuha ang UP kasi si Marcos ang number one alumnus ng university. Alam ba ninyo noong panahon namin, si Marcos maya-maya pumaparada diyan sa ROTC [Reserve Officers' Training Corps], maya-maya naga-address ng mga symposium (basahin ang appendix 1.5, 311–14). At si Imelda nakaterno. And the people of the university really loved them (basahin ang appendix 1.6, 315–18). They really loved them as an example of what a UP alumnus should be: serving the country (basahin ang appendix 1.7, 319–22). Kaya noong nag-recruit dito si Marcos, lahat iyan—si Virata, [Jaime] Laya, O. D. Corpuz—the best and the brightest of the university. [Carlos] Romulo himself served Marcos as education secretary and foreign minister, etc. Iyang si Virata, from the beginning to the end, minister of finance at naging prime minister pa siya in the puppet assembly. We were so proud.

Ngayon, itatanong ko sa inyo, kung the best and the brightest ng UP, the best and the brightest of this nation, ang sumanib kay Marcos, bakit pumalpak? Bakit sumabit? Bakit naging kalunos-lunos ang kalagayan ng bayan natin?

Noong nagsimula si Marcos noong 1966—30 December 1965 he was inaugurated—during his first term, the Philippines could proudly say that we were the best in the whole of Asia, second only to Japan. Alam mo ang Filipino, ang taas ng prestige sa Hong Kong, sa Japan, everywhere in Asia. Filipinos were known as big spenders. Mayaman tayo. Thirty years later, anong nangyari sa Pilipinas? Tayo ang pinakadukha. Tayo ang pinaka-basket case. Walang nangyari sa atin. Basahin ninyo iyong biography ni Lee Kuan Yew. Sabi niya, noong nagsisimula ang Singapore noong 1965, 1966, pagtingin nila sa Pilipinas, "Wow, mayroon silang Ayala Avenue!" "Wow, mayroon silang ganoon, ganito!" Singapore was a very poor country. Tayo, we were not only a rich country; we were a glamorous country. Imelda and Ferdinand Marcos were called the John and Jackie Kennedy of Asia. Talagang hinahangaan tayo. Ano ang nangyari? Kasi ito ngang technocracy, naglingkod sa gobyemo. Itong technocracy ng Pilipinas,

naging tuta at nagpagamit sa diktadura. It became worse under martial law kasi wala nang restraint.

I have to focus on two colleges in this university that really were responsible for the damnation of this country: the CBA and the College of Law. These were the twin pillars of the dictatorship (basahin ang appendix 1.8, 323–26).

Si Virata ang unahin natin. Siya ang nag-justify ng lahat ng World Bank loans, etc. Hindi siya mapaalis kasi ang World Bank at that point was pushing a lot of loans, hindi ba? Puro loan—billions and billions of cheap loans. Ginamit ni Marcos ito not to industrialize but to steal; to transfer money out of the country. Ang laki ng inflation, ang laki ng utang ng Pilipinas. Pero hindi naman nag-translate to economic progress kasi kinurakot lang lahat. Sino ang nag-justify ng lahat ng ito? Sino ang point man ng World Bank dito sa Pilipinas? Si Virata.

Sa College of Law, ito ang mas kalunos-lunos. Haydee Yorac was a very good friend of mine. Sabi sa akin ni Haydee, there was a time in 1992—kasikatan ni Haydee—may naguudyok na mga women lawyers ng UP, Women Lawyers' Circle (WILOCI) na mag-guest speaker siya sa commemoration dito sa UP College of Law. "Bakit?" sabi ni Ms. Yorac. "Kasi kailangang ipakita natin na ang kababaihan ng College of Law ay natatapatan na iyang mga lalaki. We now have so many justices—Supreme Court justices, judges in the Court of First Instance, bar topnotchers. At iyang College of Law, majority ay babae na. Iyong mga lalaki, nagna-nursing na lang, hindi ba? Iyong mga babae, mas matatalino, mas masipag mag-memorize, etc. Ready-made sila for the College of Law; the kind of culture that they have there." So, sa kapipilit nina Katrina Legarda, Cecilia Muñoz-Palma, Flerida Ruth-Romero, at iyong mga sikat sa College of Law, napilitan din si Ms. Yorac na magsalita sa forum ng UP Women Lawyers' Circle.

Tapos sabi niya, "You know,"—iyon ang tono kasi ni Yorac—"I am not really impressed that a lot of our women are bar topnochers." Hindi niya sinabing topnotcher din siya. Sabi niya, "Ang function ba ng talino ay para lang sa ating pansarili? Na nakakuha tayo ng lahat ng mga honors? Ipangangalandakan natin to the whole world that we are so brilliant, we are bar topnochers. We are this, we are that? Hindi ba may isang bagay like social responsibility? Hindi ba may mga bagay katulad ng ethics na dapat din nating i-consider? Hindi lang katalinuhan? Papaano mo ginagamit ang iyong katalinuhan at para kanino mo ginagamit ang iyong katalinuhan?" Sabi niya, "I dare say that there is no institution in this whole country that is most responsible for the corruption and degradation of this

country than the UP College of Law!" Sabi niya, "Sino ba ang gumawa ng presidential decrees ni Marcos? Iyang UP Law Center! Sino ba ang presidente? Si Angara and everything." Pinoint out niya talaga iyong mga katarantaduhan na ginawa ng UP College of Law. "Sino ba ang nag-back [ng] judges? Si Estelito Mendoza." She did this whole litany of what the College of Law did.

At saka noong nagaaral dito si [Maria Imelda Josefa] "Imee" Marcos at si [Ferdinand] "Bongbong" Marcos [Jr.] ng Law, sino ba ang nagbibitbit ng kanilang schoolbag? Hindi ba iyong dean ng UP College of Law? Ang sabi ni Haydee [Yorac], "Alam, mo I am very proud of one thing. Nang mag-enroll iyang magkapatid na Marcos na iyan pagpasok kong propesor sa UP College of Law"—pasista ang UP College of Law—"pagbukas ng pinto na ganyan, tatayo silang lahat, including the Marcoses." Kapag tumayo lahat ang mga estudyante, tayo rin ang mga Marcos. Sa lesson, "Okay, recite articles 20–30. Ms. Marcos? Okay, singko. Sit down. Mr. Marcos?" After that, marami nang complaints. Sabi nila, "Ang taray-taray ng bruhang iyon. Sana ikinulong na lang natin para hindi na maging teacher ni Imee." The long and short of this is that Bongbong quit after a few sessions. Imee also quit. Hindi nila ma-take si Ms. Yorac.

Later on, *lumabas na si* Imee *grumadweyt*, cum laude *pa*. At ang *kaniyang* graduation, *sa* Malacañang Palace.<sup>2</sup> Kasi, dahil kina Haydee, *iyong* UP College of Law did not approve her *kasi* she falsified public document. To enter the College of Law, you must hold a bachelor's degree and she misrepresented that she was a graduate of Princeton University. She did not graduate from Princeton University. I was in Princeton at that time as I was living in Princeton. I was a reporter for the [*Trenton*] *Times* and everyday I would see her on campus from a distance. So, they asked Princeton University *kung talagang* graduate *ba* 

<sup>2.</sup> *Iba ang pagkakaalala ng iba*. Ayon kay Madrileña de la Cerna (2017): "It was a public knowledge during my stay in the campus that Imee could not graduate because she lacked 35 units. Many of her batchmates were my dormmates in the campus. In the first place, we learned that her admission to the college was questionable because she did not finish her undergraduate studies at Princeton but was admitted just the same with intense pressure on the administration (whose admission policies are very strict). Thanks to the very few good men and women at the UP College of Law led by the late Haydee Yorac, the integrity of the college remained intact by not letting her graduate. However, a few days later, I was shocked to watch on TV the 'graduation' of Imee Marcos as magna cum laude at the Meralco Theater with Ferdinand and Imelda Marcos putting on the hood and cap on Imee. I could not believe what I saw. The next day, the 'graduation' picture was all over the front pages of the national newspapers."

itong Marcos na ito. Hindi siya graduate. So, hindi siya graduate pero cum laude pa rin siya. At para maging cum laude siya, ginawa lahat na mag-cum laude. Saan ka nakakita ng UP that would connive with the dictatorship so blatantly? Paano tayo irerespeto? Anong klaseng unibersidad ito? Ngayon, sabi mo, we are the best. Yes, we are the best, pero saan natin ginamit? Sa kagaguhan.

Ang naiisip ko, ngayon itong kay Virata na ito, this is just the tip of the iceberg, so to speak. It speaks of a very profound dysfunction in the kind of university we have. True, when the university was founded in 1908, it was supposed to be the capstone of the colonial educational system. It was supposed to produce the best colonial minds that will serve the United States (US) imperialist. But you will recall that over time, nagassert din iyong na-suppress na struggle ng Filipinos for freedom.

And UP did not really begin to have a decent education until Rafael Palma. That is why we have Palma Hall. *Iyong* Palma Hall, well-deserved *iyon kasi si* Rafael Palma *naglingkod sa bayan*. *Siya lang ang tumindig* against Quezon who was the *tuta* of the Americans. That is why they sacked Palma: over the pro- and anti- issue. *Hindi ba*, [Maria Luisa] "Malou" [Camagay]? She is a historian. She knows that the people of the university who stood up against Malacañang and they [were] the people who were punished. They were fired. *At ang na*-promote *ay iyong mga tuta*, *hindi ba*?

During the time of [UP President] Bienvenido Gonzalez—post-war na—ano ang ginawa ni Bienvenido Gonzalez? Inimbitahan niya si Claro M. Recto, na kalaban ni President Elpidio Quirino, na magsalita. Here he delivered his very historic speech, "Our Mendicant Foreign Policy." Tapos ang gusto pa ni Quirino, bigyan ng PhD [doctor of philosophy] si Sukarno, the dictator of Indonesia.<sup>4</sup> Bienvenido Gonzalez at ang UP

<sup>3.</sup> Hindi tinanggal kundi napilitang magbitiw si Rafael Palma bilang pangulo ng UP noong 8 Nobyembre 1933 matapos manungkulan nang may isang dekada. Hindi maitatangging malaki ang kinalaman, kung hindi man ito ang tanging dahilan, ng banggaan nila ni Manuel Quezon na noon pangulo ng Senado. Nakasentro ang banggaan nina Palma at Quezon sa Hare-Hawes-Cutting Act. Si Palma pabor dito, kontra naman si Quezon. Sa tingin ni Quezon ginagamit ni Palma ang unibersidad laban sa kanya. Dahil dito, inipit ni Quezon at ng kanyang mga kaalyado sa lehislatura ang budget ng UP, at kahit na ang pasahod kay Palma bilang pangulo ng unibersidad (Churchill 1985, 177–96).

Para sa detalye sa usaping ito, basahin si Lazaro (1985, 288-89). Kalaunan ring pagkakalooban ng UP ng Doctor of Laws, honoris causa si Sukarno noong 2 Agusto 1963.

BOR that has Gumersindo Garcia, Jose P. Laurel Sr., and people like that, stood up and said, "No! We will not honor a dictator." 5

The last straw was nagkaroon ng reunion ang UP College of Law. Dito sa UP noon, bawal ang beer. Bawal ang alcohol. Bawal ang alak. Guest si President Quirino ng UP College of Law anniversary. Dito [kunwari] nagiinuman tayo, ano ang ginawa ni President Bienvenido Gonzalez? Pumunta siya doon sa university gate at hinarang niya iyong San Miguel. Hindi nakalusot. With this kind of behavior, bow ako kay President Gonzalez. Ito ang dapat paninindigan ng isang president of the university. Maski nga si [Carlos P.] Romulo nagsabi, "This is the independent Republic of Diliman!" Iyong mga nirerespeto natin—iyong presidente ng Pilipinas—ay kung siya ay nanunungkulan nang tapat sa bayan niya. Pero kung hindi siya nanunungkulan ng tapat, it is the responsibility of this republic to stand up to the republic that is being misled by people who are not true to their duties.

I do not want to go on and on about this. Kung gusto ninyo hanggang magdamagan tayo dito, pero may iba pang speaker. Ayaw ko namang agawin ang kanilang moment sa spotlight. So, I am very sorry if I extended a little bit and I got carried away. I got carried away because I feel strongly about this issue. As Judy [Taguiwalo] has pointed out, simula lang ito. Simula lang ito ng rewriting of Philippine history. Nagwagi tayo sa EDSA pero ngayon, unti-unti nilang binabawi. Unti-unti nilang wina-white wash. Lalabas niyan, magkakaroon kayo ng President Bongbong Marcos. If we do not watch out, you know, in history, people who do not learn from their mistakes are condemned to repeat [it], and they probably deserve the second trashing. Ganoon lang ba ang mangyayari sa Filipino? Laban nang laban, panalo nang panalo sa mga dambuhala, but in the end, we will go back to our normal way of relaxing our vigilance and then allow the same monsters to grow back again. Alam mo iyong mga corrupt na iyan, para iyang [si] Dracula. You have to impale them. Kailangan ipako mo nang husto para hindi na babangon. Kung hindi, babalik ulit iyan. Hanggang dito na lang po at magandang hapon sa inyo.

<sup>5.</sup> Hindi pa bahagi ng UP BOR si Jose P. Laurel Sr. nang maging pangulo ng UP si Gonzalez. Magiging miyembro ng BOR si Laurel mula 1952 hanggang 1957. Ang University Committee on Honorary Degrees ang nagpasyang hindi bigyan ng honorary degree si Presidente Sukarno ng Indonesia. Sinasabing kung pinakiusapan ni Presidente Gonzalez ang mga miyembro ng komite, maaaring napapayag niya ang mga ito na pagkalooban ng honorary degree si Sukarno. Pero walang ganoong hakbang na ginawa si Gonzalez (Lazaro 1985, 288).

<sup>6.</sup> Basahin si Lazaro (1985, 289) para sa detalye.

EDUARDO C. TADEM (PROPESOR, SENTRONG ASYANO, UP DILIMAN): This is what I prepared for today, but it is actually a paper that I did for a research project on martial law technocrats—which is a much bigger project—and my part in this project was to look at the role of the Marcos technocrats in rural development, and specifically in my case, in [the] agrarian reform program. What I would like to look at is the role of the chief technocrat himself in the agrarian reform program. So, this is an aspect of Cesar Virata's tenure as finance minister and prime minister that is little known: that he actually had a hand in the conceptualization and implementation of the Marcos's agrarian reform program, which many scholars know was a colossal failure.

During the martial law regime of Ferdinand Marcos, Filipino technocrats played a major role in conceptualizing and implementing a land reform program that was called by Marcos himself [as] the cornerstone of a new society. But for all their expertise, the technocrats failed to [ensure] the success of the program and may have even contributed to [the] dearth of accomplishments after thirteen years of implementation. Now, this failure can be traced to a development paradigm pursued by Marcos and the technocrats because of its bias for elite big business concerns which contradicted the distributive justice and equity-based principles of agrarian reform. Leading technocrats like Cesar Virata—prime minister and concurrent finance minister, and more important, chairman of the Land Bank [of the Philippines], the agrarian reform's financing institution—originally came from the academe—UP—but honed their skills in the corporate business world, where their mindsets became inexplicably admired.

But let us look at technocracy first as a concept and a practice. Technocracy has been defined as a form of government in which decisions would be based exclusively on technical considerations, a regime in which the government's actions would be the result of an absolute rationalization of social mechanisms. So, the technocracy thesis holds that human beings are mere cogs in the social machinery, objects of technical control in much the same way as raw materials in their natural environment. Technocrats, therefore, are viewed as a conservative power bloc under the capitalist state apparatus, and they are conscious and unconscious allies of existing economic and social elite.

While generally assumed and respected to be neutral, technocrats in government share the same educational and social background as industrialists and business managers, and are, therefore, likely to share their ideas, prejudices, and general outlook. Because of this, it cancels the supposedly inherent advantage of a technocratic regime with its avowed emphasis on merit, professionalism, and technical skills rather than birth or political connections. This implies that the very same circumstances that promote technocratic control are inimical to democratic rule. And we have this disjuncture between technocracy, on one hand, and democracy, on the other, because it puts at risk standard democratic features such as accountability, checks and balances, political representation, and transparency. And then the close ties between business and technocrats give rise to what is called a "revolving door," where government recruits bureaucrats from the business sector while the business sector taps technocrats who have either left public positions or have retired.

Now, this depiction of technocracy is true and clearly relevant in the Philippine case, especially during the martial law period imposed by Marcos from 1972 to 1986.<sup>7</sup> It was a regime that was bannered as one where technocrats had a role to play within a state committed to modernization. It is important to determine what role technocrats played in propping up the dictatorship and providing the justification for the continued martial rule. My paper focuses on Marcos's acknowledged chief technocrat, Cesar Enrique Aguinaldo Virata—by the way, it is Enrique, not Emilio.<sup>8</sup> It highlights his participation in and his own insights on the agrarian reform program.

Virata, as we all know, earned two bachelor of science degrees: mechanical engineering and business administration in UP, cum laude. He was an instructor at the UP CBA and secured his master of business administration from the prestigious Wharton School in the University of Pennsylvania under a US government fellowship grant. By the way, before I go on, I would like to say that a lot of what is personally ascribed to Virata is a result of a series of interviews done with Virata himself by a team composed of Cayetano Paderanga Jr.,

Sa papel, tinapos ni Ferdinand Marcos ang pagkakadeklara ng batas militar noong 17 Enero 1981.

<sup>8.</sup> Cesar Enrique Aguinaldo Virata ang tunay at buong pangalan ng dating primer ministro (Sicat 2014, 1). Isinunod ang kanyang pangalawang pangalan sa kanyang ama, si Enrique T. Virata. May ilang sanggunian online, gaya ng Wikipedia, na ang binabanggit na pangalan niya ay Cesar Emilio Aguinaldo Virata. Mali ito. Lolo ni Virata ang dating pangulong Emilio Aguinaldo pero hindi siya ipinangalan dito. Ang ina ni Cesar Virata, si Leonor Aguinaldo, ay anak ni Baldomero Aguinaldo, pinsan ni Emilio Aguinaldo. Noong naninilbihan si Virata kay Marcos, kapansin-pansin ang pagkakahawig niya kay dating pangulong Aguinaldo (Sicat 2014, 195-96).

Yutaka Katayama, Teresa Encarnacion Tadem, and Temario Rivera under a project of called "The Martial Law Technocrats" (Katayama et al., 2010).

Virata says that it was during his American education that he began to see himself as a technocrat. He later became dean of the UP CBA and in that capacity facilitated the graduate studies in the US of other future Marcos technocrats, like Manuel Alba and Jaime Laya. Other soon-to-be martial law technocrats like [Vicente] Paterno, [Armand] Fabella, and [Placido] Mapa also secured their graduate studies in US universities. When they came back, most of them entered what would be the main training ground for Filipino technocrats in the 1950s. This was the accounting consultancy firm SGV & Co.—SvCip, Gorres and Velayo—which had, among its clients, the country's largest firms, as well as, multinational corporations. Virata joined SGV in 1956 as a full-time business executive where he was exposed to major industrial sectors and where he established ties with American multinationals such as United Fruit and Castle and Cook, agribusiness giants then exploring plantation ventures in Mindanao. The next logical step for Virata was to join [the] government. And along with Manuel Alba and Jaime Laya, [he] initially did consultancy work for several state agencies such as the Bureau of Customs, the National Waterworks and Sewerage Authority, the Philippine Charity Sweepstakes Office, etc.

In 1967, President Marcos appointed Virata as deputy director general for investments of the presidential economic staff; undersecretary for industry; director and acting chairman of the Philippine National Bank; co-chairman of the Joint United States-Republic of the Philippines Trade and Investments Panel; and chairman of the Board of Investments. In 1971, he was elevated to the Marcos cabinet as secretary of finance. One of his major tasks was to attract foreign capital. As finance secretary, he served concurrently as chairman of the Land Bank of the Philippines, which was organized specifically to support the government's agrarian reform program.

In September 1972, Virata was in the US, participating in the World Bank meeting when he learned, to his surprise, that Marcos had declared martial law. While initially skeptical of the need for such a draconian measure, he eventually came around to rationalizing it as a way of jump-starting Philippine economic development. He also thought—quite naively, I must say—that it would be no different from what other Asian governments, for example, Indonesia, Taiwan, South

Korea, Singapore, Malaysia, and Thailand, which already had in place an authoritarian and capital-friendly government.

In 1981, as a result of the cosmetic lifting of martial law, Marcos unilaterally inaugurated a French-style parliamentary system of government and designated Virata as prime minister and head of the cabinet, although Marcos retained the presidency and all of his martial law powers. Virata's power and influence were actually limited by the existence of other powerful political-economic factions and personalities in government, but his main source of influence was his closeness and the confidence he enjoyed from the country's foreign multilateral and bilateral donors such the [International Monetary Fund], the World Bank, the [Asian Development Bank], and the American, Japanese, and West European governments.

Marcos's development strategy was basically that of developing a business-oriented foreign capital-friendly economic base. And because of this, Marcos preferred those technocrats who shared his vision of an economy open to foreign investments. Thus, he gave preference to the foreign investment-based plan of Armand Fabella and Cesar Virata himself, against that of the protectionist and nationalist recommendations of, for example, the National Economic Council, which was then headed by Hilarion Henares.

Serious fundamental contradictions surfaced, however, and in the area of socioeconomic development strategies, there was that contradiction—a very basic contradiction—between productivity-oriented initiatives, on one hand, and equity-oriented approaches, on the other. And in the conceptualization and implementation of rural development in general, and agrarian reform program in particular, this paradigmatic conflict would be played out in a typical fashion.

And what is agrarian reform all about, anyway? David Wurfel says that agrarian reform is a complex of policies designed specifically to transform rural society in the direction of greater equality of wealth and power among groups and classes, and of greater equality of opportunity for individuals. To be truly redistributive, agrarian reform must effect on the pre-existing agrarian structure a change of ownership and control over land resources wherein such change flows strictly from the landed to the landless and land-poor classes, and from rich landlord to poor peasants and rural workers.

But what was Marcos's agrarian reform program all about? Upon declaring martial law in 1972, Marcos also declared the whole country a land reform area and ordered the emancipation of tenants from their bondage and transfer to them the ownership of the land they till (basahin ang appendix 1.9, 327–38). Marcos's land reform program, however, retained the limited program scope of previous agrarian laws that covered only tenanted rice and corn lands. Thus, even if totally implemented, such a program would have benefited only 45 percent of tenants, 12 percent of landowners, 56 percent of the area of all rice and corn lands, 5 percent of the rural labor force, 31 percent of all tenanted farmland areas, and 8 percent of all farm lands.

Apart from this basic problem with the program, there were also other inadequacies. One was a conservative vision within the land reform bureaucracy resulting in the pervasive absence of political will, patronage, and corruption, and an implementation that was organized around landowners rather than tenants, with the result of increasing production costs under the Green Revolution program, failure of the small farmer credit program, beneficiaries incurring huge declines in real incomes and losing control over their lands, and, as far as the tenant beneficiaries were concerned, the very high payment default rate that reached 90 percent by the early 1980s.

What was the record of agrarian reform under Marcos even within that very limited scope? Three weeks before he was ousted, only 2.2 percent of land had been distributed, representing a mere 2.2 percent of targeted program area—a pitifully meager outcome despite thirteen years and four months of absolute power resting on the hands of only one man. The failure of Marcos's land reform resulted in the increase of land inequality by the 1990s with Gini coefficient of 57 compared to 53 in the 1960s. The tenurial status of poor farmers also declined. Tenancy increased from 33 percent to 36 percent in the number of farms, and from 26 percent to 27 percent in the percent of farm area. For all crop lands, tenancy actually also grew from 29 percent to 33.4 percent.

And now, Cesar Virata was the highest ranking technocrat with powers over the land reform program, directly by virtue of his chairmanship of the Landbank, and later, indirectly as the prime minister. In a series of interviews, Virata echoed Marcos's view on land reform, and I quote, "We have a long history of resettlement even before the war. Marcos said that this issue of crop-sharing had not solved the problem." I am referring to the 70–30 sharing [scheme] because there was a crop-sharing law that was passed.

Now, my comment on this is that agrarian reform, of course, is not only about resettlement. Marcos's and Virata's view[s] reflect [the]

confusion about what the problem was and the solutions that were offered. The crop-sharing system was not the solution; it was part of the problem. Virata also outlined the justification for a new agrarian reform law. Again, as Marcos explained to him, and I quote Virata, "He, Marcos, explains his reason for the land reform decree. Rather than for the land owners to lose their lands to the New People's Army, we better have agrarian reform for the farmers so that they would be with us and not with them." Now this statement only confirms the notion of various scholars that the basic driving motivation of [the] Marcos government's land reform was indeed counterinsurgency.

For Virata, "Land reform was part of agriculture." This reflects a framework far removed from the program's social justice rationale and reducing agrarian reform to its bare technical consideration. From this simple assumption, Virata explains the decision to limit land coverage only to rice and corn lands. He said, and I quote again:

We decided that the agrarian reform should be confined only to rice and corn lands. In the case of sugar, we thought that plantations were more suitable to sugarcane cultivation. With coconut, coconut plantation owners were saying that there were really no large coconut plantations. We did not include coconut and sugar plantations because of efficiency considerations and competitiveness.

This seemingly sacrosanct belief that big farms are more efficient and more competitive than small farms on grounds of economy of scale, was actually made less conclusive by scientific studies done by Hayami, Adriano, and Quisumbing (1990) who pointed out that economies of scale will not exist for most tree crops such as coconuts, coffee, cacao, and rubber. And that although some scale economies may rise due to the need for large tractors in sugarcane production, it is not difficult for small growers to achieve an efficiency equal to that of large plantations so long as a rental market for custom plowing services exists. And they concluded by saying that as a matter of fact, no significant difference in yield per hectare seems to exist between plantations and small growers of banana and pineapple.

Virata's analysis of ownership of coconut lands being the product of savings of ordinary employees, folds or falls flat in a line of data that land ownership in coconut lands is highly concentrated within 2 percent of coconut farms occupying 1.25 million hectares or 40

percent of total area, while 91 percent of coconut farms occupied only 32 percent of total coconut lands.

Now, what was Virata's role as Landbank chairman? It must be clear that Landbank was established specifically with the mandate to support the land reform program and manage the purchase of lands covered by its land acquisition component. Now, when he took over as Landbank chairman, Virata amended the bank's charter to convert it into a universal bank.

Sixto Roxas Jr., who drew up the original concept of the Landbank and was its first governor, told Virata that this conversion was a mistake. Sixto explained that what would happen was that those involved in the universal bank component of Landbank would now become what he called senior citizens, while those involved in the land reform component of the Landbank would become junior citizens.

Now, Landbank under Virata's leadership bore a large amount of responsibility for the land reform's colossal failure. Among the six stages of the implementation of operation land transfer, it was in the fourth stage, land evaluation—and this stage was the responsibility of Landbank—that the process bogged down continually [with the highest number] of backlogs registered. Of the many problems and inadequacies of Marcos's land reform program, majority of them could be traced to the workings of Landbank under Cesar Virata's chairmanship. I have here a number of problems but I will not go into that. So, for all the vaunted expertise and modernized methods that it was able to mobilize behind it, including a state apparatus unencumbered by counterveiling institutional restraints and checks on its political power, the Marcos-Virata martial law regime failed miserably to carry out its land reform program even within its extremely limited program scope. Where then and for what purpose were the extraordinary authority of martial law and technocratic know-how eventually utilized and successfully exercised in the socioeconomic initiatives in the Philippine countryside?

The answer to this question was evident in the early years of martial law. In 1974, the dictator inaugurated the Corporate Farming Program, which turned out to be the direct opposite of . . . the land reform program. The most glaring feature of this productivity-based Corporate Farming Program was its conflict with the regime's equity-oriented land reform as it concentrated land in the hands of big corporate players, where the average farm reached 402 hectares, in contrast to the land reform's objectives of breaking up large estates into family farms of not more than five hectares each. A bigger irony here is that the total

farm area acquired by big corporations under the Corporate Farming Program was 445 percent greater than the measly 15,000 hectares that had been transferred to land reform beneficiaries in the thirteen years and four months of martial law land reform.

Corporate incursions [in] the Philippine countryside have exacerbated the unequal social and economic relations between the rural rich and the rural poor. These are even more disruptive for poor peasants when multinational corporations are involved. It is clear that in the rural development strategy of the Marcos-Virata regime, corporate and plantation-style farming easily superseded and took the upper hand over the agrarian reform program and its land redistribution component as the principal means for countryside development. As prime minister, finance minister, and chief technocrat, Cesar Virata presided over this strategy and consistently back-staffed his principal, Ferdinand Marcos, in prioritizing and favoring a productivity-oriented and [economically] efficient path of rural development over an equity-oriented and redistributive justice model.

This is what happened after fourteen years of martial law to the rural areas in the Philippines. In the Philippine and Southeast Asian experiences during the 1960s and the 1970s, the technocratic approach has been identified with developmental authoritarianism and as a response and alternative to movements for social change-in other words, revolutionary movements. This developmentalist approach was launched with the education and training of local experts in American universities who would think the same way as the American experts themselves. Returning home, these Western-educated locals entered government service and established bureaucratic strongholds, thus, building American intellectual hegemony into the economic policy-making of their countries. Joseph Stiglitz says, however, that economic policies are not neutral but illogical. Many of the technocratic proposals that may have worked in developed societies may encounter different socioeconomic contexts in developing countries and, therefore, are bound to fail.

After Marcos was deposed and went into exile after the 1986 popular uprising, Cesar Virata and other martial law technocrats were effectively sidelined by the new government and initially ostracized by many in the business community. But this estrangement, however, did not last long. Virata returned to the private sector and established a management consultancy firm and later joined the Yuchengco business conglomerate where he became director and corporate vice-chairman

of the Rizal Commercial Banking Corporation (RCBC); chairman and director of the RCBC Realty Corporation, RCBC Forex Traders, RCBC Land, Pacific Fund, and Coastal Road Corporation; and director of the RCBC Savings Bank, RCBC Capital Corporation, Great Life Financial Insurance Corporation, Malayan Insurance Company, and the YGC [Yuchengco Group of Companies] Corporate Services—a lot of corporate titles. But other than these, he also became director of the Manila Electric Company, the Luisita Industrial Park Corporation, Business World Publishing Corporation, AY [Alfonso T. Yuchengcol Foundation, and Bank Card Incorporated. He also served as adviser to the Japan Bank for International Cooperation, Investment and Capital Corporation of the Philippines, Cityland, and Steel Corporation of the Philippines. Now, this typically characterizes what I mentioned earlier about the "revolving door" practiced in the capitalist business firms and government, and it appears to be working well to the advantage of Cesar Virata. In skillfully utilizing this practice, he has apparently succeeded in overcoming the stigma of his unremarkable service during the Marcos years and the martial law period, or has he?

The Philippine martial law experience with the distributive justice program like agrarian reform reveals the severe limitations of the technocratic approach in dealing with real problems of real people. For Mahar Mangahas, the heart of the problem lies in the discomfort that technocrats schooled in traditional economics undergo when faced with equity and social justice concerns. On the other hand, Joseph Stiglitz offers a more direct and succinct prescription, and I quote, "Don't trust technocrats."

AMADO MENDOZA JR. (PROPESOR, DEPARTAMENTO NG AGHAM PAMPULITIKA, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): I was a political prisoner during the dictatorship, and I helped Judy [Taguiwalo] escape in 1974. It is unfortunate that we do not have speakers from the CBA and [that] Mr. Virata himself declined the invitation to appear in this forum. So, you will have to content yourself with a one-sided panel.

This is not about Mr. Virata alone. Taken in isolation, Mr. Virata's deeds would seem to be regular and innocent. We have rejected the dictatorship in 1986, and the dictator was not at all powerful. He was not the only power—he needed to go to sleep, for instance. He needed minions, like Mr. Virata. In that sense, Mr. Virata was the chief minion.

And he, in fact, represented the soft side of the dictatorship. Some have forwarded the observation that Mr. Virata was the technocratic "deodorant" of the martial law regime.

I have interviewed Mr. Virata in various occasions as a business reporter covering the finance beat, and I can testify to his pagiging maginoo. Maginoo siya. He did not mind my favorite tactic for getting a scoop: I would ambush him in the men's room and ask questions while he was peeing, and he could not escape. But still, he would answer the question. Therefore, I got the scoop because my competitor was female and she could not do what I was doing.

So, what was his role that I remember at that time? This was the phenomenon called "jumbo loans." Jumbo loans were loans taken out in the name of the republic through the Central Bank for loan lending to local users. Local users did not have the standing to borrow in the international money market and, therefore, the credit of the republic was substituted and put in the international market. And what sweetened the deal was that the republic offered a guarantee. So, if the private, the end user, defaulted on the loan, then the Philippine government would make good [on] the obligation. Malaki ang naging papel ni Virata bilang minister of finance at eventually, prime minister, para dito sa mga jumbo loans na ito. At ang mga jumbo loans na ito iyong ginamit to finance the Bataan Nuclear Power Plant, which has not yet generated a single megawatt of electricity up to this time.

One of the advantages of being the last speaker is you just cherrypick from previous speakers and try to see [what] they have not covered. So, I will raise these points.

Why was the decision made? Why did not we stick to the uncontroversial generic name "College of Business Administration"? Why generate controversy? Halimbawa, naguumpisa nang mag-print ng stationery, etc., pagkatapos dahil sa kontrobersiya, babawiin. Sayang iyong pera. So, all of these additional transactions costs are, in my opinion, unnecessary and not welcome.

However, as I have told you earlier, it is not just Virata. It is a question of a larger project of revisionism, a larger project of political rehabilitation. And this could be just a trial balloon, so to speak. If Virata is rehabilitated, if Virata becomes honorable, then who else can be dragged up from the cesspool of ignominy, so to speak? And who else but Mr. Marcos himself? I have already heard the BOR's decision and they were saying: "We are going to honor Mr. Virata because of his service to the country."

Why stop there? Why not Mr. Marcos? He served the country. He was a war hero. He was a bar topnotcher. Why not name the College of Law, "The Ferdinand Edralin [Marcos] School of Law?" Huwag nang martial law kasi masyadong specific iyon. So, indeed, one can put forward the notion that history is opinion. History is a class of opinions. In this case, apparently, one side was not heard. The side which extolled Mr. Virata was the only side that was given fair reading. And it creates a problem because it is a done deal. The BOR [has] already named it as the Virata School of Business. Naghahabol lang tayo. Ano ngayon ang gagawin natin? What are we to do? Should we now petition the BOR to reconsider their decision? The other is, can we reach out to the stakeholders, including students, including alumni, regarding the decision? How do we do so?

We have the classic collective action problem *kasi si* dean, *mayroon* na siyang captive audience, samantalang tayo, we have to reach out to a dispersed audience to come up with some critical mass that will offer a contrary opinion. I think, as a political scientist, I am interested not only in the history but in the question: "Ano ang gagawin natin?" Kasi nandiyan na iyong desisyon. Shall we just accept it because it is already a done deal? Or shall we continue to oppose it? What kind of opposition is going to be necessary so that it is going to be meaningful and it will result in what we want to happen?

Let me get back to this project of historical revisionism and political rehabilitation. I am focusing on the political fortunes of the Marcos family. Up until 2010, none of the Marcoses had ever been rehabilitated on a national basis. What had happened before 2010 [was that] they would be elected in their bailiwicks. So, they have become governors or representatives in Ilocos or in Leyte. But in 1992, for instance, Imelda [Marcos] made the fatal mistake of dividing the pro-Marcos group, because she competed against [Eduardo] "Danding" Cojuangco [Jr.]. If you combined their votes—if one supported the other—then they would have won. So, with Bongbong Marcos as senator in 2010, this was the first instance of rehabilitation of a Marcos on a national scale, and [Bongbong] Marcos is not shy about his intention of running for president in 2016.

Now, in support of this bid for [the] presidency, they have all kinds of efforts, especially in social media, to rewrite history. And the history is being framed as Marcos versus Aquino. It is that narrative which is being framed. So, the narrative is feeding on the dissatisfaction on the sitting Aquino government but it stretches to [former president]

Corazon] "Cory" Aquino. For instance, the [Hacienda] Luisita issue. Narratives would say that the Cojuangcos cheated on Luisita because they borrowed money from government on condition that they were supposed to give to the farm workers. They first raised that in 1985 but it did not fly. Those who want to revise history never give up because—I am being presumptuous here; there are so many historians here—I look at history as a continuous offering of opinions. You offer opinions and you see which opinion will be accepted.

What was the narrative in 1986? It was bloodless because Mr. Marcos persuaded his generals not to fire at the crowd. So, he was the hero. He was responsible for the bloodless character of 1986. And then in answer to Nelson [Navarro], what happened to us? Why did we retrogress? The response is, we retrogressed because we removed Marcos. Everything was going fine, but then when Marcos was removed, [we] went down all the way. There is a subtext: democracy is bad. Democracy is messy. Democracy is inefficient. When democracy was restored, we did not have discipline! That is the continuous message. I monitor social media and that is a recurring complaint. They will say: "During the first two years of martial law, we queued to ride in jeepneys and all that stuff. Sidewalks were clean, etc." And the battle of narratives seems to go on, and it will intensify until 2016 because it is my view that all of this are related to the grand political contest in 2016.

UP is a major battleground for capturing the public imagination, for swaying public opinion. Now, let us assume it is a done deal. Do not look at me with hostility. What I am saying is, we have to be on the lookout for similar attempts to rename programs, rename buildings, etc.

## MALAYANG TALAKAYAN

**CAMAGAY:** [Judy] Taguiwalo showed that] there has been a very clear policy of the university on naming buildings, streets, but not curricular programs. However, she did show that this policy of naming has changed over time that it has reached this point of renaming the CBA [after] a living person, because she did bring out the point that we have a law which prohibits the naming of streets and places, buildings after a living person. I mean, Cesar Virata is very much alive. He is 80 plus years.

Then, we did move on to Nelson Navarro whom I enjoyed listening to also because he is an alumnus of the CBA and he said he did not want to be introduced as [an] alumnus of Cesar Virata School of Business Administration. And I think it was very informative because he talked about UP in the 1960s. So, for the students here, it is interesting to have those nuggets of information about what the university was like at that time.

Then, he was followed by Dr. Tadem who clearly showed to us how Cesar Virata rose as a technocrat and finally becoming the chairman of the Landbank and finance minister of the Marcos administration, proceeding to implement the agrarian reform. And we see the failure of the agrarian reform program of the Marcos administration can be attributed to Cesar Virata.

And lastly, we had Dr. Mendoza asking us to dwell on the issue: Is this step leading us to political revisionism or political rehabilitation? He articulated what the next step [could be] because it has [already] reached the BOR and it was decided that the CBA from now on will be called the Cesar Virata School of Business Administration.

It is really very unfortunate that we do not have anyone representing the CBA to shed light on what inspired them to name the college after this person. It is really very unfortunate but just for your information, from the kit that we got, there seems to have been a process [that was] followed. And it really emanated from the CBA. The dean wrote a letter to the chancellor. [And the dean was very happy that the chancellor approved the request.] But at the end of the letter, [the chancellor] was very clear that there are certain policies involved in the naming of places, buildings, [and] roads in UP, but he had some reservations about naming a program like business administration after a living person. So, I was happy to see that though he transmitted that letter, he also gave his opinion on the matter. So, the floor is now open . . . .

CAESAR SALOMA (TSANSELOR, UP DILIMAN): So, noong nag-request ang CBA dean na i-rename ang kanilang kolehiyo into the Virata School of Business, true challenge po iyon kasi nga po ang mga ganyang bagay—renaming—ay BOR power po iyan. So, I think, March iyon dumating sa opisina natin. Marami ring decisions tayong gagawin araw-araw. It took me a while. So, ang sulat na nanggaling sa chancellor na nag-accompany—parang normally kasi ina-accompany ko lalo na kung mga bagong desisyon. It took me a while. April 11 iyong date ng letter ko kasi bago ito wala tayong precedence dito. So, tiningnan ko. Una, I was concerned that, oo nga, totoo

naman na may mga schools and colleges na [ipinangalan sa] famous individuals. Ang concern ko is while mayroon na tayong BOR-approved rules on the naming of buildings, wala pa po tayong set of rules o minimum criteria para magpangalan ng mga kolehiyo. Iba ito sa buildings kasi po ang kolehiyo po ay may mga programs. Ang buildings po kasi puwede namang after twenty-five to thirty years ay mawala. Pero ang kolehiyo, it [stays]; kahit ilipat ang isang kolehiyo from UP Diliman to UP Mindanao. There are issues. So, wala po tayong set of rules doon. Mayroon din pong isyu na may proseso po ang magtransform tayo ng academic unit from department to college, from department to school. Mayroon na po iyang rules. So, interesting po na issue iyan. Puwede ba na ang isang kolehiyo na i-request niya na i-transform siya back into a department? So, may mga proseso na kailangang sundin. Kasi po ang aking principle ay hindi ko [pa]patagalin ang isang sulat lalo na kung hindi naman po addressed sa akin. Kasi hindi po tama na ilagay mo sa pinakailaliman ng file ng papers dahil ayaw mo. So, from my perspective, mayroon namang services si Mr. Virata ngunit ang aking recommendation is, bago pagdesisyunan ng university ang isyung ito ay mag-formulate muna tayo ng set of minimum criteria para mapagusapan. Kasi nga concern ko, living person is one. But I was also more concerned with the other aspects. Well, nagdesisyon ang board. Inapprove na but I would also like-kasi wala namang representative din dito si President Pascual-noong tinanong ko siya, ano po bang nangyari sa recommendation ng Office of the Chancellor? Actually, binanggit niya na dapat din na gumawa tayo ng set of minimum criteria. Paano po ba tayo mag-administrate dito sa UP Diliman? Sa Office of the Chancellor, at least? Naniwala po tayo na rules and processes govern the way we administrate and manage and operate UP Diliman. Because, I think, with the diversity of opinions that we have, it is one of the effective ways that we could ensure, that is, transparency, fairness, and predictability in the way we manage our university.

**TAGUIWALO:** The staff regent has written that she is a new staff regent. *Iyong nag-*approve *nito ay* outgoing staff regent. They were just surprised *bakit biglang bumagsak*. No time for consultations. No time to ask questions *noong* 12 April 2013 [sa] BOR meeting. Ang *naging* fundamental issue for the students was the question of provisions which are considered anti-poor. *Kung hindi ka makabayad ng* tuition, [dropped] *ka* from the roll. Simple as leave of absence. So, *iyong naka-*agenda *ay hindi alam*. Usually, the sectoral regents share the agenda with the community and then they ask for opinions. *Ito wala sa* agenda. *Pero* 

in the June 20 BOR meeting, the new staff regent, [on] the basis of, you know, the criticisms coming from the public outside the university, raised the point again. And the BOR said, "Okay, prepare your arguments and present them in the next BOR meeting." So, she is asking for our help in terms of petition signing. The endorsement of the CBA ay nakakasindak kung titingnan mo. Kung sa usapin ng proseso, na may consultations, well, we should know sixteen years in power si [former] president Roman. So, talagang narito lahat. Who signed? Mahar Mangahas signed, you know (basahin ang appendix 1.2, 286). UP alumni signed including [Romulo] Neri, the infamous Neri of Gloria Macapagal-Arroyo (basahin ang appendix 1.2, 286). But they signed (para sa mga nag-endorso sa pagpapalit ng pangalan, basahin ang appendix 1.2, 279–96). They even had a meeting of the administrative staff and REPS [research, extension, and professional staff] early 2012. So, dumaan sila sa proseso. The problem is, ang point ko, we can still do something about it. At the very least mag-petition tayo that has support from our sectoral regents who are opposed to this kind of historical revisionism.

My second point is the atomization of the university na inumpisahan din nila sa panahon nila. What do we mean by atomization? Kanya-kanya na lang tayong buhay. Kanya-kanyang graduation. Iyong College of Law, may graduation ito, which we should also oppose because it is destroying the sense of community that UP Diliman has. We only have two university-wide activities: the Lantern Parade and the graduation. During the time of President Roman and Chancellor [Sergio] Cao, they wanted to have graduation at the unit level, which was strongly opposed happily by majority of the deans. What is this atomization? Buhay namin ito e. Taga Business Administration kami e. So, kami dapat ang makakaalam kung ano dapat ipangalan. Are we like that now in UP? Wala tayong pakialam kung bigla na lang may Sogo Theater dito because the faculty of the College of Arts and Letters has recommended that name? Ganoon na ba tayo? Are we going to be like Ateneo in exchange for money? Iyon ang sinasabi natin. Ateneo and La Salle, okay. Chancellor Saloma, while I appreciate [that] they have a copy of that letter shared by the Office of the Secretary of the University, it was very clear that there should be one requirement. At the very least, sana ho naitanong din na may proseso ba na paano ito, hindi ba? The same questions being raised now. Kasi initially kung titingnan mo ay endorsed [ang] CBA request at pinirmahan ni President Pascual. So, kung BOR ka, biglang binagsak sa iyo itong ganito. Endorsed naman pala ni Chancellor Saloma. Endorsed naman ni President Pascual. So, what is the hassle?

Pero the main questions being raised [are]: Ano ang naging papel ni Virata sa panahon ng martial law? Pangalawa, ganito na ba tayo? Kung gusto ng majority ng CBA na magkaroon sila ng sarili nilang school, wala nang pakialam ang ibang mga units? This was not even raised at the university council, not even sa university—2012 pa iyong mga meetings-meetings nila. We never knew about this. Nalaman na lang natin, I think, noong university council meeting to approve graduates na may bago nang pangalan at sa actual graduation.

So, I think the governance of the university cannot be detached from the political context of the decisions that we are making . . . UP as a constituent university should oppose all kinds of moves to atomize the different academic units and to oppose all moves to commercialize, you know, the naming of buildings, the naming of academic units, which are traditional purview of private universities but not of a public university. Unless we agree now that UP is soon going to be the Ayala-UP.

NAVARRO: Diyan na nga nag-start iyan. I mean, it has ramifications and there are implications. Kung ikaw si Fred Pascual, hindi ka naman mangmang, alam mo naman na isang faction lang ang nag-promote niyan. So, bakit ka magte-take refuge na pinirmahan ng college, pinirmahan ng university council? What it is is a railroad. Ngayon, itong mga taong mga tiwali, gumagamit sila ng proseso. Pahabaan ng pasensya. You know, ganyan ang ginawa ng mga Marcos. Ang gagawin nila is over time, makakalimutan lahat natin iyong ipinaglalaban natin. And I think there is no excuse for them. Iyan, tama iyang sinabi niya na, okay, nandito na ito e. And that is forever. It is already cast in cement. No, there is an appeals process. So, naisahan tayo. Kailangan hindi tayo magpapatuloy na palaging naiisahan tayo. We should manifest our own objection and tell them, "You cannot get away with murder. You cannot get away with railroading and hoodwinking and making sure na mapapagod na lang kami ng kapoprotesta."

The spirit of UP is eternal vigilance against people who are the enemies of good, who are enemies of justice, and the enemies of freedom. I mean, alam mo, kung gusto ninyo, pumunta kayo sa ibang pamahalaan, private, gusto ninyo based on your religion, based on your whatever. But UP is a university of the Philippines. Kaya nga, tinatawag kayong mga isko, iskolar kayo ng bayan. Ang taong bayan is the blood, sweat,

and tears of this country that enables you to study here. Hindi lang dahil sa kayo ang pinakamatalino, you are the best and brightest of your generation but because the best and brightest of this nation have a responsibility. Tayo ang responsable to make sure our country will live up to its ideals. Sino pa? Binigyan tayo ng privilege, unanguna ng panginoon, ng utak. Matalino tayo. Para [sa] ano gagamitin natin itong talino? And take note, you are heavily subsidized by the Filipino people. So, very obvious ang inyong responsibilidad. Okay, maging magna cum laude kayo, maging bar topnotcher kayo, maging Miss Philippines second runner-up kayo, I do not really care. But over all, ang katanungan pa rin: para ano ang lahat na ka-ekekan na ito, ano, in the end? You know, we all want to measure our lives in relation to, hindi ba sa bayan natin? At ang bayan natin, hindi isang monumento. Hindi isang mythical creation. Tunay na tao iyan. Iyong si Kristel [Tejada],<sup>9</sup> isang mahirap na nagsisikap dahil sa hindi siya makabayad ng tuition, magli-leave of absence siya. You know, when you are eighteen years old—I know a lot of you here are seventeen, eighteen-you are very confused, you know, your value system is all under attack, hindi ba. Maraming nangyayari sa iyo, like, may personal kaiyong hormones mo [are] rampaging all over the place. And that, on the other hand, may mga responsibilidad ka, may bayan ka, mayroon kang obligasyon sa mga magulang mo. Sundin mo ang mga magulang mo kasi sila ang nagtutustos sa inyo. Isang bagay iyon. Pero may responsibilidad ka sa university na mag-aral ka, sumunod ka sa academic program. And then, on top of that, mayroon ka pang pananagutan sa bayan. Dapat maglingkod ka sa bayan. And it may look like a pie in the sky, napakalaki, pero as you grow older, you will realize that there is a purpose for this. You are privileged. You are very bright people. That is why you have an obligation to make sure that the society is put on the right track and that every Filipino must have a chance in life. This is a basic question of truth. It is a basic question of justice, you know? Huwag na tayong magpaikot-ikot sa mga proseso kasi alam natin, the road to hell is paved with good intentions. Si Satanas, hindi ba? Si Lucifer, magandang, poging lalaki si Lucifer. Inakala niya na siya na ang Diyos. Kasi napakapogi niya at napakatalino niya, akala niya kayang kaya niya na siya na ang magiging Diyos. Dito kasi napakatalino natin dito sa UP. Tayo na lang ang marunong para sa bayan na ito. Kasi in

<sup>9.</sup> Nasa unang taon ng Bachelor of Arts in Behavioral Science sa UP Manila si Kristel Tejada nang kitlin niya ang kanyang buhay noong 15 Marso 2013. Pinaniniwalaang ang pangunahing nagbunsod sa kanya sa trahedyang ito ay ang kawalan ng kakayahan ng kanyang pamilya na tustusan ang kanyang pagaaral sa UP.

the end, iyong karunungan natin mayroong responsibilidad. Iyon ang gusto kong sabihin.

GALO GLINO III: Tanong ko lang po, hindi po kasi natin nabanggit iyong isang side ng isyu regarding iyong renaming ng CBA. Ito po iyong naging justification ni Dean [Ben Paul] Gutierrez. Ang sabi niya kasi, ang renaming daw po ng mga academic units ay isang tradisyon na ginagawa sa US. Tapos ang naging example po niya, ang Harvard daw po mismo, ipinangalan kay George Baker iyong School of Business. At mabuti din po na nabanggit ni Chancellor Saloma na naga-agree po siya. Sabi niya, naga-agree naman po siya na tradisyon nga daw po sa US iyong pagpapangalan ng academic units or academic institutions sa mga tao. Pero po kung may nakabasa sa atin, may panibagong article si Bobi Tiglao (2013) na inilabas kagabi and illuminating on the particular issue. Ang sabi niya, in-email niya iyong Harvard School of Business to clarify and to confirm kung totoo nga po bang George Baker School of Business ang Harvard School of Business. At ang sinabi daw po ng dean ng Harvard School of Business, hindi totoo. Hindi totoong George Baker School of Business iyong sa Harvard. So, Chancellor Saloma, ang tanong ko po, hindi ninyo po ba nacheck nang maigi iyong ganitong issue?

SALOMA: Ang sinabi ko rin, mayroon din namang walang pangalan at kasama doon sa walang pangalan, at kagaya niyan nakasulat, Harvard Business School. Even Stanford yata, wala ring pangalan. So, binanggit ko lang po iyon, ano? So, ang purpose ko po doon is para makita ng presidente at ng BOR natin po na mayroong sumusunod, mayroong hindi. At nasabi ko lang po: "Finally, I also point out that while many business schools are partly named after individuals, donors, organizations, a number have not adopted the said practice such as the Harvard Business School, Yale School of Management, Columbia Business School, [and] Stanford Graduate School of Business." Binanggit ko po . . . for guidance.

NAVARRO: Kung ang pangalan ng Harvard whoever, baka sundin din ng Pilipinas. Dapat tinimbang. Kanino ba ipinapangalan itong ating college? Which is more important? You have to hear both sides of the question. Now, I would urge all of you to read the columns of Bobi Tiglao about this particular issue kasi, you know, very few people read Manila Times. Iyan ang pabor kay Virata kasi hindi maririnig iyong—. Naba-blanket nila. By knowing this issue, they get away with it, at magsasawa na lang tayo. Bobi Tiglao was the best business writer of his generation and during martial

law he really covered Virata. Alam niya ang lahat ng katarantaduhan ni Virata at kung ano ang ginawa niya para paglingkuran si Marcos hand and foot. Si Virata was responsible for falsifying the financial position of the Philippines after the [Benigno Simeon] "Ninoy" Aquino [Jr.] [assassination]. Kasi siyempre, nagtakbuhan lahat iyong mga foreign investors. Bangkarote na iyong gobyerno. Pabagsak na si Marcos. Si Virata-thev misrepresented that the Philippines had USD 600 million in its financial reserve. 10 Silang dalawa ni [Jaime] Laya. They were found out. That is a very criminal behavior more than anything. Gilting-guilty. Jinajustify niya iyon talagang si Marcos. At alam ninyo ba, basahin ninyo kay Bobi Tiglao, iyong mga naglingkod kay Marcos katulad ni Enrile, ni Ramos, ni Paterno, nagsisi na sila. Tumalikod si Virata up to the very last minute kasi daw, "I owe it to my constituency." Ay, tuta ka na nga ni Marcos, sino pang constituency mo kung hindi si Marcos? Ang hindi niya alam, iyong exact moment na naninindigan siya para kay Marcos, nag-e-EDSA na, inioffer ni Marcos kay Enrile na "You can be the prime minister."11 Pinagtawanan ni Enrile. "Ha? Magiging tuta mo lang? Katulad ni Virata." He did not exactly say these words but that was the implication of it. I mean, itong si Virata, pinindeho na siya nang husto ni Marcos—pasalamat siya ni-reject ni Enrile—hanggang ngayon ba naman! It was pointed out by Judy [Taguiwalo] kanina. Isang point pa about Virata, hindi daw siya nagpayaman under Marcos. Wrong! Nagpayaman siya under Marcos.

<sup>10.</sup> Oktubre 1983 nang maisapubliko ang hindi magtugmang mga numero ng international reserves ng bansa at ang mga maniobra para palobohin ang totoong halaga. Ayon kay Sicat (2014, 505), "... the integrity of the Philippine data on international reserves ... was blown out of proportion, probably unintentionally." Sa pagtalakay ni Sicat, pinalabas niyang hindi ideya ni Virata ang ganitong maniobra at ang may pangunahing responsibilidad ay ang noon gobernador ng Central Bank na si Jaime Laya (Sicat 2014, 500–08). Para mapanauli ang tiwala ng mga pinagkakautangan noon ng gobyerno ni Marcos sa pangunguna ng International Monetary Fund pinagbitiw si Laya bilang gobernador ng Central Bank. Pero iba ang basa ng kapwa ekonomista ni Sicat na si Emmanuel de Dios (1988, 109–11): "Perhaps the most ambitious and spectacular effort at deception—successfully and only belatedly discovered—was the overstatement of the country's international reserves though manipulated transactions . . . which existed at least as early as 1982, involved a relatively simple maneuver which Virata termed 'window dressing'."

<sup>11.</sup> Sa pagkakasalaysay ni Enrile (2012, 627) sa talambuhay niya na inedit ni Navarro, ito ang sinabi diumano ni Marcos sa kanya noong 25 Pebrero 1986: "Johnny, I am looking for a graceful way to end the problem. I am thinking of canceling the election and continue with my term until 1987. I intend to serve as honorary president. You will be the head of the government, and you can run it the way you want it. What do you think of that?"

Alam ninyo ba, kung nanilbihan ka sa gobyerno at tumatanggap ka ng salary, kakaunti lang. Virata had twenty-four directorships in different garment operations, more than Imelda Marcos. He was getting more than PHP 1.5 million every month in 1980 prices. I mean, you know, siyempre yumaman siya. At saka, iyong mga directorship, mga [consultancies], ang [daming] benefits . . . Ikaw ang chief tuta ni Marcos, ikaw ang nagaapprove ng lahat ng financial policy, siyempre lahat ng big multinational formations, nagko-consult sa iyo.

ESTUDYANTE: Gusto ko sanang itanong-kasi sa lahat ng nakakaalam ng doon sa proseso-kaso paalis na yata si sir [Tsanselor Saloma], kung may student representative po na present doon sa pagpro-process noong pagpapangalan sa CBA? At kung wala po, bakit po wala?

MARIA ANGELA MANABAT: Mula po sa secretariat of the Office of the Student Regent, Krista Melgarejo. Humihingi po siya ng paumanhin at hindi po siya makaka-attend dito dahil mayroon po siyang naka-set na meeting pero nagpadala po siya ng message:

Nananawagan tayo sa iba't ibang sektor ng UP lalo na sa mga nasa CBA, na i-register ang hindi pagsang-ayon sa renaming na naganap. Huwag po tayong pumayag na i-rename ang isang disiplina ng UP sa isang taong naging crucial ang papel sa martial law dahil alam nating mabigat ang political implications nito at asahan po ninyong ire-raise ko ang matter na ito sa susunod na BOR meeting.

**ESTUDYANTE:** Iyong tanong ko medyo related doon sa kakatanong lang kanina . . . This has something to do with the rich taking over. I mean, I agree with you that we should do something about this but then what will be the implications of this whole issue? Will it stop at just renaming? I mean, is it possible [to change] the name back to something more neutral? Or will it lead to something deeper? Because the chancellor said [there] is no precedent. This is a new problem. So, will there be other things that can happen after this?

**MENDOZA:** We thought it is over. This is the struggle with the dictatorship. And to the extent that the struggle continues in the writing and rewriting of history, then it would not have an end. Because the struggle with the dictatorship is a very important part of our life, our contemporary life. *Hindi lumilitaw iyong* class character *ng* struggle

kasi multiclass ang mundo. Unlike the classic labor versus capital model of struggle, okay?

**TAGUIWALO:** I go beyond the question of the continuance of the anti-dictatorship struggle. It is also a struggle for the soul of the university. Where is this university heading? Ito na ba ang papupuntahan natin? Memorializing those who served the dictatorship? Magkibitbalikat because it is the CBA [that] just ruled the university for sixteen years? We count that sixteen years. It is a struggle against the continuing attack on UP as a public university adapting practices of corporations and private universities in running and naming the university . . . So, talagang tama ka. In a sense, it is a class struggle because it is a contention between UP in the service of the Filipino people and UP in the service of corporate interests. At saan tayo tatayo? [Sa] henerasyon namin, ang linaw e. Pero ang henerasyon ngayon, sa panahon ng ideological offensive ng postmodernism, kanya-kanyahan, polusyon na sky-high. Ang general tendency ng mga students ay magkibit-balikat. Hindi naman ako sangkot divan e. And that works for [C]BA. Iyong apathy ng general public ng *unibersidad.* And I think that has to be stopped. That has to be stopped. Otherwise, huwag na tayong magpanggap pa. Pare-pareho na tayo ng iba pang mga unibersidad na pribado. Pera-pera lang ito. Walang paglingkodlingkod.

**ESTUDYANTE:** Masasabi ba natin na hindi tayo magri-reach sa point na ito kung pakikinggan lang natin at pahahalagahan natin ang konsensya ng bayan, ang mga social sciences?

CAMAGAY: Just last sem[ester] tinatalakay namin iyong Philippine presidents. There was one student—I was reading the violations of the Marcoses—nagalit siya sa akin. Sinabi ko, ang point ko kasi, si Imelda ang nagpatayo ng mga bopis centers—iyong Lung [Center of the Philippines], iyong [Philippine] Heart [Center], iyong [National] Kidney [and Transplant Institute]. And sabi niya sa akin, "Ma'am kung ganyan pala ang inyong pananaw, e bakit pa rin ginagamit?" E sabi ko, "Pera ng bayan ang ginamit diyan, hindi pera ni Imelda." But it was so indicative that there's still this generation of students who found nothing wrong [with Marcos]. And I think it is also because their parents, iyon ang itinuturo. Iyan nabanggit nila, maganda ang palakad noong martial law. Noon may disiplina, may kaayusan. Pero sabi ko, "Naku, this is a generation na ang layo na pero ganoon pa rin ang pananaw." So, medyo naalarma rin ako na bagamat

kaming mga nagtuturo ng kasaysayan ay ibig iwasto iyong ganong pananaw ay mayroon pa ring impluwensya ng magulang na umiiral. At malamang mas matimbang iyong ideya ng magulang kesa sa mga propesor nila sa UP. I found that very alarming. I mean, for me, na ganito pa rin pala ang pananaw ng mga bata. So, siguro ang leksiyon diyan ay dapat imulat sa mga estudyante iyong tunay na kalagayan noong martial law kasi naggo-gloss over. Pero kailangan ipagbilin at imulat nga sa mga bata.

TADEM: I think one of the reasons why mayroon pa ring historical revisionism na nangyayari ngayon at saka the Marcoses have been rehabilitated not just on the local level but also [on] the national level . . . is that the leaderships that came after Marcos did not really perform that well either. And, you know, as pointed out, after Marcos, it was still the same old elite game that took over. And many of those elite families that were sidelined during the martial law period came back with a vengeance and also imposed their own brand of elite governance and leadership both economically as well as politically on the country. So, parang it was just exchanging one elite-based leadership for another elite type of leaders. And especially during the ten years of Gloria Macapagal-Arroyo, she made Marcos look good. And many people thought she was even more corrupt than Marcos. Maybe Bobi Tiglao has more explaining to do because he served the Macapagal-Arroyo regime right up to the very end—and even up to now.

KERBY ALVAREZ: Siguro po susundan ko lang iyong usapin ng historical revisionism kasi po kanina nababanggit na pinalilinis ang pangalan ng mga Marcos bilang paghahanda sa bakbakan sa 2016. Siguro, i-bring up din po nating issue na ngayong taon ay pagdiriwang ng ika-150 kaarawan ni Andres Bonifacio. Sa tingin ko po isa itong sampal sa pagdiriwang na ito, isang pagsupalpal sa isang pambansang pagdiriwang na kung saan ang UP pa mismo ay kinilala ang isa sa mga pangunahing sumusuporta sa pagsusulat ng kasaysayang kontra-Bonifacio, which is the Cavite Study Center. Alam po nila iyan. Huwag po nilang itago. So, siguro po magandang ipakita sa mga mag-aaral, lalo na mga freshies, na karamihan sa mga friends ko sa Facebook ay nagsasabing, kung hindi nawala si Marcos, siguro kasing yaman tayo ng Singapore. Utang na loob! Iyong mga ganoong bagay, huwag tayong magbitaw ng mga ganoong hasty generalizations. Alamin natin. Nandito iyong mga eksperto. Tanungin natin sila. Panahon nila iyon, ka-contemporary sila, bahagi sila noong panahon na ito. Iwasan natin iyong ganoong issue. So, siguro po para sa mas technical at relevant na tanong, regarding po doon sa appeal, available po ba iyan sa mga faculty? Dr. Taguiwalo, iyong petition po na ipaiikot sa mga faculty ay ano po iyong magiging proseso?

TAGUIWALO: Actually, puwede pa nating pagtulungan. It does not have to be one template, you know. If the Department of History can start their own petition, then well and good. Kasama ang mga estudyante, gawin natin itong effort ng buong community. So, I hope ma-start. Wala pa akong nakitang petition na naumpisahan e. But I think it is important. Kung magawa ninyo, the next BOR meeting is on July 25 or 26. So, puwede po bang asahan mula sa inyo na makagawa ng petition? We have to submit this before the BOR meeting sa July 25 or 26. Pero mas maganda kung sabay, may online tapos may hard copy.

PHOEBE TOLETE: Reaction lang po sana doon sa sinabi ni Chancellor Saloma kanina. Kasi base ho sa mga narinig ko at sa kanyang mga action tungkol sa isyung ito, open po iyong UP administration na magrename ng academic program [after] persons pero hindi po ini-specify kung living or dead. Ngayon po, kung sakali pong i-uphold po ng BOR ang desisyon tungkol sa isyu na ito, para po sa inyo, ano po iyong magiging acceptable na . . . Dahil po ang sabi ng chancellor "minimum set of criteria" sa pag-rename sa isang academic program dito sa loob po ng university!

NAVARRO: You cannot assume that the BOR would just be deaf to the arguments. Kung tinatanggap ko na iyon e bakit pa tayo nakikipagdakdakan dito? Magpakitang-gilas kayong mga estudyante dito sa Pamantasan ng Pilipinas na nakikita ninyo iyong isyu at klaro sa inyo kung ano ang isyu. Kasi kung ipapahayag ninyo iyan ay hindi sila maaaring magbingi-bingihan. Puwede lang silang magbingi-bingihan kasi time always favors the oppressors. Dededmahin lang kayo hanggang magsawa kayo. Ngayon kung hindi mo naiintidihan iyong katotohanan na iyon, talagang palagi silang makakalusot.

Itong mga sabi na magaling pa noong panahon ni Marcos, iyan din ang nagsasabi na mas magaling pa noong panahon ng mga pharaohs. May kaibigan na nagsabi sa akin, noong panahon ng mga pharaohs, hindi ba, maganda iyong Egypt, everything. Kumakanta lang sila. And then I told him, okay, maganda kung pharaoh ka, kung pamilya ka ng pharaoh, pero . . . kung slave ka, hindi magaling iyon. At karamihan noong panahon ng pharaoh, slaves. Nagbubungkal ng bato para gumawa ng pyramid. Kapag hindi na kaya, itutulak na lang at lalatiguhin. Kapag namatay itutulak na lang sa bangin. Ganoon ang mangyayari sa inyo. Siyempre oppressive regimes like Mussolini's, the trains always run on time daw, hindi ba? Iyong mga

inconveniences na nakikita na iyan-. Democracy is really messy. There is a lot of negotiations. There is a lot of consideration for the rights of others. But you have no other choice because they already gave all the brilliance to only one. He distributed intelligence to all of us and we have to negotiate [that] among ourselves. Meaning, that my rights only go so far as I do not infringe on the rights of others, hindi ba? It is always more efficient if somebody would just dictate kasi siya lang ang marunong. But si Mussolini ha, hindi totoo that his trains ran on time. Pineke nila, pineke nila iyong mga historical records. Maski huli sasabihin nila, sasabihin nila it ran on time. E, kapag sinabi mong it does not run on time you are just like a little boy who said that the emperor has no clothes. Iyon, ganoon lang iyong nangyayari. It is the attitude that you have. You have to challenge such [bullshit], you know. The kind of argument that people always resort to when they have ran out of real arguments or they want to evade the real issues. Like, itong mga [taga-] [C]BA na ito, hindi sila makakasipot dito dahil wala silang masasabi. Ano ang sasabihin nila? Paano nila ipagtatanggol iyong mga polisiyang baluktot? Hindi nila kayang i-defend. Hindi ba sabi ni Ramon Magsaysay, "Can you defend this in Plaza Miranda?" In other words, sa harap ng demokrasya. Huwag mong sasabihin na lahat ng mga taong [babatikos] sa iyo, mga komunista iyan, mga gago iyan, mga walang pinag-aralan, walang PhD iyan, hindi nagaral sa Wharton, that is why we can ignore them. No! Can you defend this in Plaza Miranda? Iyan ang attitude ng CBA-elitista. Ang feeling nila, sila lang ang nakakaalam. And it is our responsibility to remind them, "Hoy, hindi lang kayo ang nakakaalam kasi pare-pareho tayong tao. Isa tayong boto, hindi ba? Hindi lang tayo isang boto, isang buhay lang tayong lahat."

TADEM: Unanguna, dapat dumaan ito sa university council, go through the process of anything na change, anything na regarding curriculum and other academic matter should go to the university council. Mahabang proseso iyan. Papalitan mo ng pangalan ang isang course, dadaan ka ng ano e—. It will take several months before it can finally reach the BOR. Ito, dalawang buwan lang. Kasi iyon nga, they sidestepped the BOR. Iyong pangalawa, dapat magkaroon ng extensive consultation na universitywide. Iyong sinabi ni Dr. Taguiwalo, ang kinonsulta lang nila ay sila-sila. They consulted themselves. Naturally, ang lalabas diyan ay oo, papayag sila. Pero hindi nila kinonsulta the greater UP community. Pangatlo, kung walang mangyayari dito at they will retain the ridiculous name Cesar Virata School of Business, dapat siguro magtayo na lang tayo ng ibang

School of Business, aside from the School of Business, that will be [the] real School of Business that will be dedicated to the service of the Filipino people. I say this because other universities have such situation. Kyoto University has two Schools of Economics. Sabay-sabay iyan. Dalawa ang Faculty of Economics ng Kyoto University. One is devoted to classical neoliberal economics, iyong isa naman is more socially and Marxist-oriented, and they sit side by side. They compete with each other. We can do the same here.

NAVARRO: For the CBA mafia dito: dedmahin na lang. Kasi kapag dinedma, magsasawa din ang mga aktibista na iyan. Kasi ang pagtingin nila, aktibista lang ang nago-oppose ng ganitong kabalbalan. Hindi po iyon totoo. You do not have to be an activist. You do not have to be very political. You do not have to be ideological. You just have to have common sense to know that something is very, very wrong and very, very hypocritical about it. Ngayon, in one of my blogs about Cesar Virata, sabi ko, you should have the decency to refuse an undeserved honor. And the UP officials must oblige [you] on that. But on the other hand, I do not think he has the decency. Siya nga ang nagpasimuno. Siya nga ang gusto na koronahan siya e. Bakit naman niya babawiin ngayong nakalusot na siya. Hindi ba? So, I think we have to continue. There is the appeal process. Mayroong staff regent, mayroong at least is a tayong student regent who will make sure na hindi nila puwedeng dedmahin ito sa susunod na BOR meeting. You should go there, maski doon sa labas, to remind the BOR and other members, "Hoy, huwag ninyong ilibing, huwag ninyong ibaon sa mga ibang extra business o processes, etc., itong isyu na ito kasi importante." At sabi ko rin, sige, mas gusto ko pa nga na Virata and the College of Business. They dig their hell into this because it will be a perpetual reminder to us na iniinsulto tayo araw-araw at pinababayaan natin na duraan ang ating pagmumukha, ang karangalan ng ating bayan. Hindi ito maaari. It is a kind of struggle. It sticks out like a sore thumb, hindi ba? Maaaring ngayon, sige, nakalimutan na natin kasi we have let off steam already. Naka-blah-blah na tayo nang husto. Pero bukas paggising mo, nandiyan pa rin e. Next month, nandiyan pa rin iyan. It is a perpetual reminder na bakit ba ang pangalan niyan Cesar Virata? Kasi tuta iyan ni Marcos na hanggang ngayong nag-survive at pinayagan nating mag-survive. Ganito na lang ba tayo? I think the onus is on us. Sila, wala silang dapat gawin. Dededmahin lang nila kasi na-railroad na nila. Nagawa na nila lahat. Sila na ang nakaluklok. Why fix it? It is not broke. Why fix it? Nandoon ang attitude nila. Kaya ang iniisip ko talaga, pahabaan ito ng pasensya e.

ESTUDYANTE: Ang tanong ko po dito ay may pagasa pa po ba ang Pilipinas para magbago? Kung mayroon pa po ba tayong natitirang pag-asa, paano natin ito makakamit? Kailan, saan, at sino iyong gagawa ng pagbabago sa bansang ito?

**NAVARRO:** I think it is the attitude. If your attitude is palaging may pag-asa pa ba? Of course, the answer should be palaging may pag-asa. Kasi kung wala tayong pag-asa, bakit hindi pa tayo magpatiwakal lahat? End it all. End the suffering. If the whole purpose of life is just to suffer all these stupidities and all these injustices, what is the point of living, hindi ba? The attitude that there is always hope because you will always fight for what is right, what is the good for our people. Iyan ang sinabi ni Jesus Christ, hindi ba? May pagasa ang mundo, ang mundong makasalanan. Si Kristo, for forty days and forty nights talagang binola-bola siya ng demonyo. Bumigay ba siya? Hindi siya bumigay. Ganoon din tayo. Kung bibigay tayo, well, talagang wala nang pag-asa. Pero habang hindi tayo bumibigay at hindi tayo sumu-surrender, may laban ba. I do not want to make it so bleak but it is an attitude. If your attitude is defeatist, there is nothing that would save you. But if your attitude is [optimistic], you will discover the strength day by day to fight for it. Hindi ba in the days of the Marcos dictatorship, sino bang mag-aakalang hindi forever iyang mga Marcos na iyan? Pagkatapos ni Marcos, nandiyan si Imelda. Pagkatapos ni Imelda, nandiyan si Bongbong. Pagkatapos ni Bongbong, nandiyan si Borgy! Lahat natatapos. Lahat may katapusan. Dapat iyon ang ating itanim sa sarili. Kasi sinong magsisimula? E di ikaw! Bakit hindi ikaw? It should start with you. Alam mo iyong optimism in the struggle is infectious. Kapag nakikita mong hindi ka nag-iisa or naniniwala kang hindi ka nag-iisa, may laban ka. Pero kapag naniniwala ka na ako lang yata, then it is a reason already, botaks na tayong lahat, hindi ba?

**ESTUDYANTE:** I am Eldrin and I am an alumnus of CBA. First, I appreciate this. This is an information dissemination venue for us. I myself, I am torn between graduating from the college and at the same time, I am not really from the Marcos era. So, at least we are informed about this kind of renaming. Actually, we [came to] know this na lang after we graduated. So, as to my question, as an alumnus, what is in it for us? First, the renaming of the edifice. The second one, what can we do? And the third one is how can I leverage this? For example, a movement. How can I convince my co-alumni [who were not even born yet] during the Marcos era?

CAMAGAY: May mga nabanggit na puwedeng mag-petition. Siguro iyong mga ka-[batch] mo ay puwede mo silang i-[mobilize] at mag-petition na iurong, kung maaari, ng BOR ang kanyang desisyon hinggil sa pagpapangalan ng iyong kolehiyo. Kasi hindi lang edifice, ito ay programa ng college. Talagang bagong-bago ito. It is a school. Biruin mo, Virata School of Business Administration. So, malaki ang repercussion nito sa inyong kolehiyo. So, siguro ay puwede mo silang kalampagin, magpetisyon na kung puwede ngang iurong itong desisyon na ito. Medyo napi-pick-up na rin sa mga kolumnista na gaya ni G. Navarro—nabanggit niya ito. So, I think if there is a ground swell na talagang nakikita na medyo may pagkakamali dito sa desisyon ng BOR ay pakikinggan. So, talagang dapat ay lahat ng sektoralumni, kasalukuyan na students-kasi palagay ko, itong estudyante nga they have to sign. Kasi, you know, they were approached by the dean. Their hands were tied. But if this information about the real persona of Virata and iyong proseso also—kasi hindi lang iyong persona, pati proseso na dinaanan ay may pagkakamali o flawed-then, all these things can be a basis for, you know, a change of heart on the part of the BOR.

So, I think on that note, I would really like to thank the students who have stayed on up to this time. And I would like also [to take] the opportunity to thank our panel, Mr. Nelson Navarro, alumnus mismo ng kolehiyo, si Dr. Mendoza, si Dr. Taguiwalo, naging biktima ng rehimeng Marcos, at si Dr. [Tadem], nakulong din—the survivors. So, nagpapasalamat kami. Ikinalulungkot namin na [walang kinatawan] ang kolehiyo ng Business Ad[ministration]. Iyong mga lumagda, iyong dean mismo, si President Roman na faculty ay hindi rin napaunlakan ang Third World Studies Center na dumalo sa forum na ito. So, sa puntong ito ay ibig kong pasalamatan kayong lahat na dumalo. Sana namulat kayo sa tunay na pagkatao ni Cesar Virata at namulat din kayo doon sa proseso—na maling proseso—na dinaanan ng pagpapangalan ng kolehiyong ito. So, sa puntong ito, maraming salamat at magandang tanghali sa ating lahat.

#### Mga Sanggunian

Cabrera, Eric. 2013. "What's in a Name!" God Knows Hudas Not Payola (blog). June 18. https://lupitnicabring.wordpress.com/2013/06/18/whats-in-a-name/#more-1072. Churchill, Bernardita Reyes. 1985. "Palma's Momentous Decade (1923–1933)." In University of the Philippines: The First 75 Years (1908–1983), edited by Oscar M. Alfonso, 157–200. Quezon City: University of the Philippines Press.

- David, Randolf. 2013. "What's in a name?" Public Lives, Philippine Daily Inquirer, June 19. http://opinion.inguirer.net/54917/whats-in-a-name#ixzz3mXjvhH5F.
- de Dios, Emmanuel S. 1988. "The Erosion of the Dictatorship." In Dictatorship and Revolution: Roots of People's Power, edited by Aurora Javate-de Dios, Petronilo Bn. Daroy, and Lorna Kalaw-Tirol, 70-131. Metro Manila: Conspectus.
- de la Cerna, Madrileña. 2017. "A Taste of Fake News." Cebu Daily News, 17 September. http://cebudailynews.inquirer.net/147322/taste-fake-news.
- Enrile, Juan Ponce. 2012. A Memoir. Edited by Nelson A. Navarro. Quezon City: ABS-CBN Publishing, Inc.
- Hayami, Yujiro, Maria Agnes R. Quisumbing, and Lourdes S. Adriano. 1990. Toward an Alternative Land Reform Paradigm: A Philippine Perspective. Quezon City: Ateneo University Press.
- Katayama, Yutaka, Cayetano W. Paderanga Jr., Teresa S. Encarnacion Tadem, and Temario C. Rivera, eds. 2010. "Edited Proceedings of the Workshop on Economic Policymaking and the Philippine Development Experience, 1960-1985." In Kasarinlan: Philippine Journal of Third World Studies, supplement, 25 (1-2): 1-35.
- Lazaro, Guillermo R. 1985. "Gonzalez as an Adamant Visionary (1939-1943, 1945-51): The University Resurrected from the Ashes of War." In University of the Philippines: The First 75 Years (1908–1983), edited by Oscar M. Alfonso, 261–93. Quezon City: University of the Philippines Press.
- Philippine Daily Inquirer. 2013. "Historical Revisionism," Editorial. June 14. http:// opinion.inquirer.net/54599/historical-revisionism#ixzz3n0AMzyoK.
- Pulmano, Eugenio. 2013. "UP, CBA, and Cesar Virata." Philippine Daily Inquirer, June 25. http://opinion.inquirer.net/55299/up-cba-and-cesar-virata#ixzz3mXgIcLvW.
- Sicat, Gerardo P. 2014. Cesar Virata: Life and Times; Through Four Decades of Philippine Economic History. Quezon City: University of the Philippines Press.
- Tadem, Eduardo C. 2015. "Technocracy and the Peasantry: Martial Law Development Paradigms and Philippine Agrarian Reform." Journal of Contemporary Asia 45 (3): 394-418. http://dx.doi.org/10.1080/00472336.2014.983538.
- Taguiwalo, Judy. 2010. "The Diminishing Public Character of the University of the Philippines: Some Thoughts of an Alumna of Class 1970 on UP as the National University." Speech delivered at the 2010 UP Alumni Council Meeting, Bahay ng Alumni, University of the Philippines Diliman, June 25.
- Tiglao, Rigoberto D. 2013. "UP Dean Lies to Honor Virata." The Manila Times, June 06. http://www.manilatimes.net/up-dean-lies-to-honor-virata/7568/.
- University of the Philippines Gazette. 2009a. "Proposals on the Naming of the New Asian Center Facilities to be Donated by Toyota Motor Philippines to the University." 40, 3 (July-September 2009): 51-52. http://osu.up.edu.ph/2009/08/1248.
- ——. 2009b. "UP Naming Rights Policy." 40, 3 (July-September 2009): 56-59. http:// /osu.up.edu.ph/2009/08/1248.



# FORUM 1

# Rapporteur's Report

Is the University of the Philippines (UP) being used in a project of historical revisionism to politically rehabilitate the Marcoses? This is one of the questions discussed in the first of a series of fora entitled "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos (Marcos Still! The Legacy and the Curse of the Marcos Regime)" on the issues and interests involved in the renaming of the UP College of Business Administration (CBA) to Cesar E.A. Virata School of Business. The forum featured a panel of three professors and an alumnus of the former CBA who all experienced firsthand the glory and horrors of the authoritarian regime of former president Ferdinand E. Marcos.

Ricardo T. Jose, director of the Third World Studies Center and professor at the Department of History, College of Social Sciences and Philosophy, UP Diliman, underscored in his opening remarks the relevance of the forum as a good and, apparently, the first opportunity in the university to discuss this issue from different vantage points. One problem he mentioned was related to the existing protocol on naming (physical) structures as there were no clear rules on naming institutions and academic programs, making it a gray area. Being a fairly recent issue, he traced the chronology of the college's renaming, beginning with the unanimous decision of the former CBA to rename in July 2012 until their formal request to the UP Board of Regents, the highest decisionmaking body of the university, in March 2013. He noted the position of UP Diliman chancellor Caesar Saloma on the need for clear guidelines on the renaming of academic institutions and academic programs, especially after people who are still alive. Another problem was the consideration of the role of former prime minister Cesar Enrique Aguinaldo Virata during the Marcos regime from which Jose perceived a "shortness" of memory among Filipinos.

### HONOR AND EXCELLENCE

The first speaker, Judy Taguiwalo, professor at the Department of Women and Development Studies, College of Social Work and Community Development in UP Diliman, served as a faculty regent of UP and was a political prisoner during martial law. Her talk focused on the renaming of the college in the context of contemporary developments in the university. She pointed out these three primary issues: a) honoring individuals loyal to the Marcos dictatorship; b) naming academic units after persons who are still alive; and c) the decision-making processes of the university in the context of neoliberalism, which has implications on the character of the UP as a public university and on its role in the nation's history.

Taguiwalo proceeded with presenting foremost points raised by certain individuals and groups, highlighting Virata's role in the authoritarian regime. Virata became the prime minister and minister for finance, which, although his prestige as a man of business remains untainted, casted him as the chief loyal technocrat of Marcos who was insensitive to the realities of the Filipino people. Virata enabled the Marcos regime to amass an unprecedented amount of wealth and the country to incur debilitating debts. Reflecting on Virata's place in history, public opinion discerns a project of historical revisionism in the renaming that disrespects the sacrifices of those who fought against the dictatorship, which included living and deceased members of the UP community. Taguiwalo reminded the audience of the university's call for "honor and excellence"—that the latter cannot be divorced from the former.

Taguiwalo reviewed the naming rights policies of the university in particular, based on financial donations. The first mentioned policy of the Board of Regents, dated from 1984, covered physical infrastructure only, not academic units, and considered outstanding alumni for exemplary achievements. This was then widened in scope in 2004 and 2009 with the acknowledgment of then UP president Emerlinda Roman, who also hails from the former CBA, that these financial gifts are important to supplement government funding. Rigoberto Tiglao wrote in a newspaper column that there was even no monetary exchange, as is the practice of other business schools, in the renaming of the CBA. The George Ty–Toyota Hall of Wisdom of the UP Asian Center was cited as the first instance when an edifice in the university was named not after a hero or an academic leader but a corporation.

FORUM 1 RAPPORTEUR'S REPORT 67

Taguiwalo declared that this runs against the spirit of a state university. The common practice was to install plaques of appreciation in prominent places in the built structure but not to name the whole institution. An example given was the major donation of the Spanish government, which was named "Sentro Optalmolohiko Jose Rizal ng PGH (Jose Rizal Ophthalmological Center of the Philippine General Hospital)," and not called, as quipped by Taguiwalo, "Spanish Government Ophthalmological Center." The Board of Regents guidelines explicitly mention that the donation should be made in favor of the university and for meritorious conditions, among other stipulations such as the person honored must have exemplary achievements, a sterling reputation, and be looked upon as a role model by the youth. Notwithstanding these, Taguiwalo remarked that the current trend in naming in exchange for financial resources is part of the ongoing privatization of UP as a public university.

The second speaker, Nelson Navarro, is an alumnus of the former CBA and a columnist of the *Philippine Star*. He does not want to be identified with the Cesar E.A. Virata School of Business even if it was Virata himself as CBA dean who signed his diploma back in 1968. Navarro shared Department of History professor Maria Serena Diokno's view that naming should come fifty years after death when people could better examine the "intrinsic worth" of the person than through immediate assessments that are still colored by present emotions, sycophant praises, and ardent criticisms. He remarked that the law on naming has been repeatedly abused following the inclination of the Marcoses to name various institutions after themselves.

Unlike former president Fidel V. Ramos and former senator Juan Ponce Enrile, as Navarro observed, Virata stood with the Marcos government up until the end and still justifies his involvement up to now. Navarro rejected the argument that without the involvement of the technocrats, the Philippines might have been in a worse state. He found a parallel in the testimonies of Hitler's minions in the Nuremberg trials and said that Virata and others were lucky they were spared in the bloodless revolution of 1986.

Going back to the early days of the Marcos period, Navarro chided UP in its intimate complicity with the regime. He said that the university "loved" former president Marcos as an example of what a UP alumnus should be. Marcos effectively recruited the best and brightest from the university as exemplified by former UP presidents Onofre D.

Corpuz and Carlos P. Romulo and members of the then-CBA faculty, such as Jaime Laya and Manuel Alba.

Navarro pondered, with a technocracy that received topnotch education from abroad, a nation that ranked second to Japan, and a people's reputation for not just being rich but also glamorous in the 1960s, why then did the Marcos government fail? He placed the blame squarely on the UP colleges of business and law, calling them the twin pillars of the dictatorship. Virata, as the government's point man for multilateral funders, together with his team of business graduates, negotiated all the foreign loans. These, Navarro scrutinized, were only used by Marcos to steal and not to industrialize; thus, no economic progress was achieved. As for the College of Law, he cited senator Edgardo Angara, Atty. Estelito Mendoza, and the UP Law Center for their contributions to the regime, especially in the formulation of decrees.

Navarro went on to echo the sentiment of the late UP law professor Haydee Yorac regarding the importance of ethics, social responsibility, and working toward collective ends among the university's graduates. He lamented the profound dysfunction in the university, which was initially created to serve US colonial interests as the capstone of the education system, in that the dissident tradition which began during the UP presidency of Rafael Palma is now being lost. He emphatically said that if the people will not learn from the past and will not "impale the monsters" who have exploited the nation, then the country is doomed to repeat the same mistakes and even deserves the second thrashing.

### RURAL DEVELOPMENT AND AGRARIAN REFORM

The third speaker, Eduardo Tadem, professor at the Asian Center, UP Diliman, delivered a paper that was part of a research project on the Marcos technocrats. His paper looked at the role of Cesar Virata in rural development in general and in agrarian reform in particular.

A cornerstone of the regime's New Society program, agrarian reform has been noted by scholars as a colossal failure. Tadem claimed this to be the case because the development paradigm pursued by Marcos and his technocrats was biased toward the elite and big business interests rather than distributive justice and equity-based principles that supposedly underpinned the program. Possessing mindsets honed abroad and in the corporate world that viewed human beings as mere

FORUM 1 RAPPORTEUR'S REPORT 69

cogs in the social machinery, the technocrats, Tadem stressed, came around to rationalize martial law as a way to jumpstart economic development similar to the neighboring countries of Taiwan, Singapore, and Thailand, which had authoritarian governments already in place. This resulted in only 2.2 percent of the target land area for distribution, despite Marcos being in absolute power for thirteen years and four months. Some of the factors that led to the failure of agrarian reform included the bureaucracy's conservative vision, lack of political will, patronage and corruption, the organization of the program around landowners and not tenants, increasing production costs, and the failure of the small farmer credit program. This includes the inadequacies of the Land Bank of the Philippines, specifically the stage of land valuation wherein the largest number of backlogs was registered. Landbank was created for the purpose of agrarian reform but was later converted into a universal bank. Virata headed the bank at that time. This, according to Tadem, was a pivotal mistake, as it was against the well-intentioned design of its first governor Sixto K. Roxas Jr.

With all its vaunted expertise and methods, Tadem noted, including a state apparatus that was unencumbered by institutional restraints and checks on its political power, the Marcos-Virata development paradigm remains a failure. What was successful though, Tadem observed, was the corporate farming program—the direct opposite of land reform where the entry of multinationals exacerbated inequalities and was more disruptive to peasants. It covered a total area that was 445 percent greater than the land transferred under agrarian reform. Tadem, citing Marcos's reason behind the agrarian reform law, confirmed the notion that the basic motivation behind land reform was counterinsurgency. Virata's involvement with the corporate world would continue well after the fall of the dictatorship as Tadem reflected on the revolving-door practice between capitalist businesses and the government.

In closing, Tadem repeated the views of economist Joseph Stiglitz, "economic policies are not neutral but ideological." He warned the audience that technocrats are not to be trusted.

The last speaker was Amado Mendoza Jr., professor at the Department of Political Science, College of Social Sciences and Philosophy, UP Diliman. Another political prisoner of martial law and a reporter who covered the finance beat, he observed for himself the fine qualities of Virata as a gentleman. Despite this, Mendoza considered him as representing the soft side of the dictatorship and

stressed the leading role of Virata in the acquisition of "jumbo loans." These foreign loans were contracted through the then Central Bank with sovereign guarantee. The main beneficiaries were local business interests with close ties to the Marcoses. When these interests failed to pay for the loans, since they were guaranteed by the government, public money were used to pay for them.

Connecting the renaming issue to contemporary political developments, Mendoza wondered if this might be a trial balloon under a larger project of political rehabilitation, particularly of the Marcos family name on a national level. This rewriting of history, he projected, may be in support of moves for a possible presidential run by Senator Ferdinand "Bongbong" Marcos Jr. in the near future. Mendoza pointed out the battle of narratives framed along the lines of Marcos versus Aquino with one side feeding off the dissatisfaction on past governments, including the then Aquino administration, and a sense of nostalgia for the discipline and order under the Marcos regime.

Mendoza, as a political scientist and with the thought that the university is a major battleground for capturing the public imagination, wondered what other stakeholders, such as students and alumni, can do to create a critical mass to give a meaningful counter opinion to the renaming of the former CBA.

## **OPEN FORUM**

The primary concerns expressed in the open forum could be grouped under three main themes. The first would be the continuing struggle against the dictatorship and the efforts to rewrite history. Students of political science, history, and business asked what the implications of the renaming would be and what they could do, especially those who were not born during the Marcos era. Navarro reminded the young audience of the need for constant vigilance and of the collective responsibility to fight the enemies of truth and freedom. He stressed that one does not have to be an activist, political, or ideological to guard the country against martial law. One only has to have common sense. Members of the faculty likewise mentioned current efforts to appeal the renaming through the sectoral regents and signing petitions.

The second theme is the process of the renaming of the academic unit, which, despite the proposal undergoing legal channels and being endorsed by both the UP president and the UP Diliman chancellor, did not go through the University Council, the highest academic body

FORUM 1 RAPPORTEUR'S REPORT 71

that has the authority to approve changes in academic matters. Taguiwalo contended that this was another move by the Virata School of Business faculty, whose senior faculty member was in power in UP for around sixteen years, to further atomize the university community.

UP Diliman chancellor Caesar Saloma, while endorsing the request of the college, drew attention to the letter he wrote about the need to formulate a minimum set of criteria on renaming institutions after living persons as a guide for possible initiatives in the future. He assured the audience that his administration practices transparency, fairness, and predictability in the management of the university.

The last theme is about democratic community discourse. The speakers, members of the audience, and organizers expressed disappointment on the lack of a representative from the Virata School of Business to explain their side to the UP community. According to Jose, the Third World Studies Center kept on looking, up to the last minute, for a possible speaker from the side of the college. Virata himself was invited to speak at the forum. He respectfully declined due to various commitments and that he deemed it inappropriate to appear in such a forum. He said his record of service to the country is public knowledge and as such should speak for itself.

As there were no representatives from the now Cesar E.A. Virata School of Business, the question of what motivated the college to rename itself was left unanswered. According to Navarro, however, the proponents of the initiative could not take refuge behind due process and bureaucratic procedures. The college, he argued, must defend the renaming in a democratic setting. For Mendoza, this issue is part of the continuing struggle to write and rewrite the history of the dictatorship; a struggle, that for the likes of him who survived the martial law years, he thought was over. It was not. PNEX BENGSON

Maria Luisa T. Camagay, professor, Department of History, College of Social Sciences and Philosophy, UP Diliman served as the forum's moderator.



## FORUM 2

# Pangako Sa 'Yo: Kompensasyon sa mga Biktima ng Batas Militar

Biyernes, 20 Setyembre 2013, 9:00 n.u.-12:00 n.t. Pulungang Claro M. Recto (Faculty Center Conference Hall) Bulwagang Rizal, Kolehiyo ng Arte at Literatura Unibersidad ng Pilipinas (UP) Diliman

PERLITA FRAGO (PANGALAWANG DIREKTOR, THIRD WORLD STUDIES CENTER AT KATUWANG NA PROPESOR, DEPARTAMENTO NG AGHAM PAMPULITIKA, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Good morning. This is the second of the "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos" Public Forum Series of 2013. The series was organized by the Third World Studies Center in cooperation with the Office of the Chancellor and the College of Social Sciences and Philosophy, in line with its thirthieth anniversary. The first part [of the program] is the opening remarks from the director of the Third World Studies Center, Dr. Ricardo T. Jose.

RICARDO T. JOSE (DIREKTOR, THIRD WORLD STUDIES CENTER AT PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang umaga sa inyong lahat. Let me explain kung bakit naisip natin itong series of [forums] na ito, ang "Marcos Pa Rin!" It started actually when . . . the UP College of Business Administration decided to rename its program or college as the Cesar E.A. Virata School of Business and the Board of Regents acted on this noong April [2013]. It created a storm of protest—ang dami talagang nagalit because parang nakalimutan na iyong lessons of martial law. And especially considering na with the internet, ang dami-daming nagsi-circulate sa internet showing martial law in a different way. It is

not the martial law that most of us experienced—parang romanticized martial law.

So, kami sa Third World Studies Center decided to do something about it and as it turned out, we had a very successful forum in late June [2013] to bring out the questions [regarding the] memory of martial law: who Virata really was during the martial law years and issues like that. Bakit natin nakalimutan iyong mga nangyari? Is it so short a time that passed? And considering that the role of Virata in the university, ang daming reklamong lumabas in the internet and elsewhere. But the university did not take an official stand on it, so we took it upon ourselves to bring out this issue and it was a very successful forum. So, nagkaroon ng idea na we will follow up with a series of other fora considering it has been forty-one years since martial law was proclaimed.

In order to keep the memories alive and fresh and in order to also convey *iyong* lessons of the martial law regime—considering especially *na maraming mga* members *ng* Marcos family are trying to clear their names and even worse, probably running for higher office—there are things that have to be done. This is the second of a series and actually after this, we plan to have three more later this year and early next year. Ang *magiging* focus *nito* is actually what are the consequences of martial law, what martial law meant, and how it affects us. This first step, after the Virata issue, is to talk about the compensation issue of the various human rights victims of martial law. We invited a group of speakers from various positions and they will show us different perspectives on the issue of claimants, compensation, and the whole human rights issues even up to the present day.... *Maraming salamat sa inyong pagdalo* and I hope we will get something very substantial out of this . . . So without much further ado, again welcome to this program.

FRAGO: Thank you, Director Jose. Gaya po ng nasabi ng direktor ng Third World Studies Center, ang forum na ito na pinamagatang "Pangako Sa 'Yo: Kompensasyon sa mga Biktima ng Batas Militar" ay umusbong sa naunang forum ukol sa Cesar E.A. Virata School of Business at sumusunod sa temang "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos." Bukas ay Setyembre 21 muli at sabay-sabay nating pagusapan ang mga naiwang isyu na bunga ng martial law. Isa na nga sa mga pamana o sumpa ng rehimeng Marcos ang pangakong kompensasyon para sa mga human rights victims ng martial law. So, ngayong umaga, tunghayan, makinig, at makilahok sa talakayan. Ang ating mga speakers, well, we have six for this forum.

The first one is Atty. Rodrigo "Rod" C. Domingo Jr. Attorney Domingo is one of the legal counsels of the class suit filed against the estate of former president Ferdinand Marcos at the Hawaii District Court.

Our second speaker, si Mrs. Fe Buenaventura-Mangahas, ay dating political detainee at kasabi ng Claimants 1081. Siya ay faculty member sa History Department ng University of the East noong siya ay maaresto at madetine sa Camp Aguinaldo noong Enero 1970. Isa siya sa siyam na faculty [members] ng University of the East, kasama ng kanyang asawa na si Mr. Rogelio G. Mangahas, na pinatalsik at pinaaresto ng unibersidad sa bisa ng Presidential Decree 1081. Sa siyam, dalawa silang nakulong bilang miyembro ng KAGUMA o Katipunan ng mga Gurong Makabayan. Matapos ang diktadurang Marcos naging direktor siya ng Women's Desk ng Cultural Center of the Philippines. Naging komisyoner din siya para sa Kultura at mga Sining ng National Commission on the Role of Filipino Women. [Siya ay] nagturo at naging tagapangulo ng Departamento ng Kasaysayan sa St. Scholastica's College Manila. Sa kasalukuyan si Mrs. Buenaventura-Mangahas ay isa sa mga komisyoner ng National Historical Commission of the Philippines. Siya rin ay awtor at co-author ng ilang aklat pangkasaysayan, kultura, at kababaihan ng Pilipinas. Nagtapos siya ng Teacher's Diploma in Music at AB [Bachelor of Arts] History sa UP Diliman, ng MA [Master of Arts] History sa Ateneo de Manila University, at ngayon ay PhD [Doctor of Philosophy] candidate sa University of Santo Tomas.

Ang ikatlong speaker ay si Ms. Rita Melecio na ngayon ay deputy executive director ng Task Force Detainees of the Philippines.

The fourth speaker is Dr. Meynardo Mendoza. He is an assistant professor at the Ateneo de Manila University Department of History and current director of the Southeast Asian Studies Program. He obtained his PhD in Philippine Studies from UP Diliman, with the dissertation entitled, "The Marcos Human Rights Victims: The Struggle for Justice and Reparations from 1986 to 1999" (Mendoza 2010). Dr. Mendoza's adviser was current National Historical Commission of the Philippines Chair, Dr. Maria Serena Diokno. And, of course, his critic was our very own, Dr. Ricardo T. Jose.

The fifth speaker is Mr. Roberto Diciembre who is the legislative and communications officer [of] the office of Representative Jose Kristopher "Kit" Belmonte. He is here to represent the congressman who has filed House Resolution No. 2546 at the House of Representatives encouraging the current administration to constitute the Human Rights Victims' Claims Board. Mr. Diciembre is also a product of the UP. He finished BA Linguistics at the College of Social Sciences and Philosophy and he is finishing his MA degree in communication research at the College of Mass Communication. He was also a senior campaigner of the Freedom from Debt Coalition.

And of course, our last speaker is Ms. Karen S. Gomez-Dumpit who is the current director of the Government Linkages Office of the Commission on Human Rights.

RODRIGO C. DOMINGO JR. (LEGAL COUNSEL, CELSA HILAO, ET AL., PLAINTIFFS, V. ESTATE OF FERDINAND E. MARCOS, DEFENDANT; MDL NO. 840, C.A. No. 86-0390): Magandang umaga po sa inyong lahat, kay Director Jose at kapwa ko mga magbibigay ng kaunting masasabi sa ating importanteng forum today.

Ang akin pong [ibabahagi] sa inyo ay ang . . . Marcos human rights litigation sa Honolulu, Hawaii na [kung saan] tayo ay nakakuha ng award na almost USD 2 billion, sa pamamagitan ng ating mga abogado na nagtaguyod sa ating tagumpay sa Honolulu at sa iba pang . . . continents sa mundo. Ang binabanggit ko po ay ang almost USD 2 billion na naging award, at naging pinal noong 1995, laban sa estate ni Ferdinand Marcos (basahin ang appendix 2.1, 339–48). Sapagkat po siya ay namayapa sa ibang bansa, sa Honolulu, ang unang hinabla natin ay siya at saka ang namayapa na rin [na] si General [Fabian] Ver. Ngunit ang natira po nating defendant ay ang estate na lang ni Marcos.

Gusto ko pong liwanagin sa inyo na ang asunto ay sinimulan ng [naunang] organisasyon . . . ang Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (SELDA). ¹ Sa bandang huli ay sumapi po ang Claimants 1081, na naging very active sa ating pakikipaglaban sa diktadurya. Ang nasabi pong asunto ay twenty-seven years ago. Ito po ay nai-file noong pagkatapos ng EDSA Revolution noong February 1986.

Napansin ko po na ako at ang ibang mga speakers, sa kakulangan ng ating oras, ay dapat magpaliwanag sa inyo sa loob ng ten to fifteen minutes. So, I will try to summarize what had happened more than twenty-seven years ago ngayon, kaya babanggitin ko lang po sa inyo ang mga importanteng bahagi ng litigasyon.

Ito po ay unanguna sa history ng ating bansa—hindi lang sa ating bansa kundi sa buong mundo. Ito po ang kauna-unahan, the first in history na

<sup>1.</sup> Para sa detalyadong kronolohiya tungkol sa class action suit laban sa mga Marcos, basahin ang SELDA (2013). Para naman sa pagsusuri, basahin ang Mendoza (2013).

human rights case, ito po ang una rin na nagkaroon ng award na pinakamalaki na almost USD 2 billion. Ito po ang una rin na tort case laban sa isang head of state, ang diktador nating namatay, si Ferdinand Marcos. Ito rin po ang kauna-unahang kaso sa buong mundo na nagkaroon ng award, maliban sa Holocaust case at sa Nuremberg Trial.

Ang nasabi pong kompensasyon ay nagkaroon ng bunga. Iyong recovery po natin dito ay nagsimula noong nagregalo si Gng. Imelda [Marcos] sa kanyang asawa na si Ferdinand ng isang Mercedes Benz sa Honolulu. Kanya pong birthday gift iyon dahil they fled to Honolulu after the EDSA Revolution. At iyon po ay nakumpiska natin. Iyon pong tinitirahan nilang bahay doon ay nai-auction natin at tayo ay kumita po ng USD 1 million din. Iyon po ang mga iba pang maliliit na bagay na narekober natin. Iyan po ay mahigit na USD 1 million. Ang susunod pong ating kompensasyon na natanggap ay two years ago [kung saan] nakarekober tayo ng USD 10 million sa pamamagitan ng ating magiting na lead counsel na si Robert Swift at ng mga abogado natin na nai-engage sa mga litigasyon. Tayo po ay may litigation sa Switzerland, sa US [United States], sa Hong Kong, sa Singapore, sa New York, lahat, marami po, several continents sa buong mundo. Iyan po ay sa pamumuno ni Robert Swift na siya pong nagbigay sa atin ng kaunting recovery natin.

Ang latest po na recovery natin ay another USD 10 million. Nagpadala po kami ng mga notices sa lahat ng miyembro na human rights victims. Ito po ay magkakaroon ng litigation kung merong magoo-object or merong comment sa recovery natin. Amin pong inirekomenda na ang bawat isang biktima ay pagkalooban ulit ng isang award na USD 1,000, katulad po ng ginawa natin about two years ago. Tayo po ay nagpunta sa Mindanao, sa Visayas, at dito sa Metro Manila at sa opisina po ng Commission on Human Rights. Aming inuna na binigyan ng tseke, ng pabuya ang lahat ng mga biktima o ang kanilang mga next of kin, asawa, o anak na nabubuhay sa ngayon. Siguro po ang mga namatay nating mga claimant, mga victims, siguro about mga 70 percent ay wala na po dito. So, iyan po ang aking masasabi na pinakaimportante na nagawa natin.

Gusto ko pong banggitin sa inyo ang mga namatay na kasama ko dito sa litigation. Ang mga nanguna dito ay ang namatay [na] na si Jose Mari Velez na graduate ng UP College of Law na isang beteranong newscaster sa TV at sa radyo. Nandiyan din po si dating senador Rene Saguisag ng San Beda College na siyang tumulong sa amin para halungkatin ang history, lahat ng [mga executive orders] na naissue ni Marcos. Kasama rin po si Atty. Ruben Fruto na isang produkto naman ng Ateneo de Manila [University] College of Law at siya po [ay] presidente ng iba't ibang organisasyon at lumaban din po sa diktadura. At ang inyong abang lingkod. So, iyon po ang mga tao na behind dito.

Ang huling-huling sasabihin ko lang po sa inyo ay ang kompensasyon na pinirmahan ni Presidente [Benigno] Aquino [III] noong Pebrero nitong taon [2013] na ito [ay] hanggang ngayon po ay hindi pa naipatutupad. Ang Compensation Board na dapat na i-appoint niya from among the nominees of the different human rights organizations ay hindi pa kumikilos. Katulad po ng sinabi ni Cong. Edcel Lagman, tatlong klase po ang batas natin: mayroong good law, mayroong bad law, at ang huling-huli po ay dead law. Ang Republic Act (RA) 10368 (basahin sa appendix 2.2, 349–64) ay malapit nang maging dead law. Although this is a good law but kung wala pang naa-appoint na members ng Compensation Board, walang gagawa ng implementing rules and regulations (IRR), at hindi po maipatutupad ang magandang batas na ito.

FEBUENAVENTURA-MANGAHAS (DATING BILANGGONG PULITIKAL AT MIYEMBRO, CLAIMANTS 1081): Salamat Attorney Domingo. Salamat din Dr. Rico Jose sa paanyaya, sa ating mga kasamang tagapagsalita, magandang umaga, sa mga guro, estudyanteng naririto.

Una sa lahat, gusto kong sabihin na ang mga biktima ay naghabla hindi dahil sa pera-pera lamang. Dahil kung iisipin ninyo, ang mga nangyari noong panahon ng batas militar sa mga nakibaka para mawakasan ang diktadura ay talagang isang horrendous period in our history. At ako po ay eyewitness kung paano tinortyur, pinatay, ni-rape iyong mga babae, disappeared, nawala na lang, at totally walang kalayaan [dahil sa laban sa] pagbabalik ng demokrasya. Kaya isa po iyong mahalaga na dapat nating alalahanin.

Ngayon, gusto kong ipaalam sa inyo na ang Claimants 1081 ay nabuo noong 1994. At ang miyembro namin ay mga may 3,000. Ang biktima ay mga around 10,000, something like that, mga 9,000 iyong mga na-awardan sa Hawaii Court, at ang karamihan diyan galing sa SELDA at iba pang human rights groups (basahin ang appendix 2.3, 365–76, kung paanong naging mahirap na usapin sa pagresolba ng kaso ang dami ng mga naghabla). At ang Claimants 1081 ay miyembro ng Philippine Alliance of Human Rights Advocates (PAHRA). Masasabi kong isa kami sa masigasig na nagtaguyod ng kaso sa Hawaii.

Ngayon, gusto kong ikuwento ang pangyayari after, iyong mga gaps, Attorney [Domingo]. Kasi kung maalala ninyo—naaalala ko—tamang nagkaroon ng award na USD 2 billion sa Hawaii, pero nasaan ang pera? Wala. Kailangan ay may makuhang nakaw na yaman nina Marcos. At iyan

ay pinagdedebatehan every inch of the way kung ill-gotten wealth nga ba iyan o hindi (basahin ang appendix 2.4, 377–88). Sa America at saka dito. So, kung magtatanong, may nakuha na ba? Mayroon, pero sa punto de vista po naming mga biktima—di naman paghamak sa ginagawa nina Attorney Swift at Attorney Domingo—pero talagang patak-patak. Parang madalang na ulan sa tag-araw. Kasi USD 20 billion, at sa ngayon, ang nakukuha pa lang ay USD 2 million, at out of that, bawat biktima ay binigyan ng USD 1,000. At mayroong darating ulit sa 2014 na another USD 10 million at another USD 1,000 sa biktima. Ano ito?

Ang una sa nakuhang pag-aari [ay] ari-arian ng crony ni Marcos na si [Jose] Campos sa America. Iyong pangalawa naman ay painting ni Imelda na pag-aari na raw ng kanyang sekretarya. So, kung iisipin natin, talagang wala pang nakukuhang direkta mula sa kina Marcos. At saka—pero sa bagay, kung iisipin naman natin, kung maghahablahan—sabi nga ng mga attorney—matatagalan at magastos. Saan kukuha ng gagastusin? Karamihan sa mga biktima ay nagkaka-edad na, may sakit na, marami na ang nangamatay. So, for practical reasons. Pero talagang wala pang malaking tagumpay itong kompensasyon.

Mayroon namang isang magandang balita noon, hindi ba Attorney [Domingo]? Isinuko ng Swiss banks ang more than USD 300 million. Nilagay ito para nga sa compensation ng mga biktima. Nilagay ito sa escrow ng Philippine National Bank (PNB) pero pinagdebatehan na naman kung puwede ba itong i-distribute dito sa Pilipinas. So, sa haba-haba ng debate, from PNB napunta na ito sa National Treasury. Delikado kapag napunta na sa National Treasury. Nasa kamay na [ito] ng Malacañang at puwede na nilang gamitin. At nagdaaan iyan sa kamay ni Erap [Joseph Estrada], ni GMA [Gloria Macapagal-Arroyo], alalahanin ninyo. Wala pa noon si [Corazon] "Cory" [Aquino] at si Fidel Ramos. Nakakatuwa talaga ang Pilipinas, talagang nagkaroon na ng EDSA pero naiwan iyong mga remnants ng diktadura mismo at ihinahalal pa ng tao, hindi ba? Iyon nga ang isang napakalaking problema natin.

Kaya iyon namang naideklara ng Supreme Court—dahil nangangailangan ng declaration, Attorney [Domingo]—tumutol naman ang Philippine Commission on Good Government (PCGG), iyon mismong inatasan na hanapin ang mga yaman ng mga Marcos at siyang tumulong ay sila pa ang humaharang [sa pagbigay ng compensation] at sinasabing ayon daw sa Konstitusyon, ito raw ay para sa land reform at walang probisyon para sa mga victims. So, wala na naman ding nangyari. Kaya ang claimants ay may dalawang naging tugon. Una, iyong paghahain ng kaso sa Makati Regional Trial Court (RTC) para iyong judgment ng Hawaii ay maging

effective din dito, tanggapin din sa Pilipinas. At iyong isa ay iyon ngang Compensation Bill na nalagdaanan ni Presidente [Benigno] Aquino [III] nitong 25 February 2013. After twenty-seven years, sabi nga ni Attorney [Domingo].

So, napakahaba ng naging proseso at kung ilalahad ko sa inyo ang feelings ng mga victims na kitang-kita naming naglulubaybay sa banahon ng pakikibaka para lang magkaroon ng bill na ito, na talaga namang sinasabing isang tagumpay sapagkat, "Sa wakas!" sabi nga ni Attorney [Domingo], ay mayroon nang desisyon na talagang mayroong biktima ng martial law sa Pilipinas. Hindi na puwedeng itatwa ni [Ferdinand] "Bongbong" Marcos [Ir.] na hindi nangyari iyon, hindi ba? At karamihan ng sumali sa Claimants 1081 ay iyong mga biktima na halos ayaw na ngang lumitaw pero napilitan para lamang ipakita kina Marcos na talagang libo-libo ang naging biktima. Iyon iyong katotohanan. So, ngayon umaasa tayo na ang RA 10368, iyon ngang compensation law ay maipatutupad, pero sabi nga ni Attorney [Domingo], nakabitin pa. Bakit? Sapagkat hindi pinipirmahan ni President Aguino [III] o hindi binubuo ang Compensation Board na siyang gagawa naman ng IRR. Kasi, hindi self-executory iyong batas. Kailangan ng board at kailangan ng IRR. So ganoon na naman kalabo ang sitwasyon. At tila walang kumikilos Attorney [Domingo]. Hindi ko alam kung ang mga biktima mismo ay napagod ba o ano ba? Hindi naguusap-usap. Ano ba ang nangyayari? Lahat ng mga nongovernmental organizations sa human rights ay tila walang ginagawa. Mayroon din kaming mga pagkukulang.

Pero bilang pagtatapos, gusto kong sabihin na isang tagumpay talaga ang compensation law. Sapagkat, [and] I am quoting from the statement of Claimants 1081 [made last] 25 February [2013]:

The State recognizes the heroism and sacrifices of the Filipinos who were victims of summary executions, torture, involuntary disappearances, and human rights violations committed during the martial law regime, thus, unequivocally setting down its judgment of martial law in the country. It acknowledges the State's moral and legal obligation to recognize and compensate the victims and/or families for the deaths, injuries, sufferings, deprivation, and the damages they suffered under the Marcos regime. The law provides not only for monetary and nonmonetary compensation like education, health services, livelihood, but also the setting up of museums to honor the heroes and martyrs of the period and the inclusion of the martial law period in the curriculum or teaching of history.

This will clarify the lessons that should be taught and propagated among the youth and students about our own recent past. This can prevent attempts at rewriting and distorting our history.

Pero tama si Attorney Domingo. Hanggang ngayon nananatiling pangako, nananatiling papel lamang ang RA 10368. Kaya tatanungin natin, sino ba ang dapat kumilos para kumilos ang Malacañang? Ano ba ang pumipigil sa Malacañang? Matatapos na ang termino ni PNoy [President Benigno Aquino III]. Maipagpapatuloy at ipapatupad ba ito? At kung tumakbo si Bongbong [Marcos], ano na kaya ang mangyayari, hindi ba? O kung sinuman ang mga kaalyado niya. Ano ang epekto sa kompensasyon sa [paparating] na pagbubuwag ng PCGG? Isa ring katanungan iyan. Bakit walang accounting ang PCGG? Hindi natin alam kung paano na. Saan napunta ang pera? Saan gagamitin, hindi ba? At saka, ano ang epekto ng kawalan ng linaw ng kaso natin na inihain sa Makati Regional Trial Court?

Nakapanghihina ng loob ang ganitong mga katanungang tila walang tiyak na kasagutan. Kung alam lamang ng kabataan kung gaano kahirap, kabaluktot ang just-tiis system sa ating bansa, baka kung saan humantong ang ganitong pakikibaka. Manhid ang hustisya sa Pilipinas.

RITA MELECIO (PANGALAWANG TAGAPAGPATUPAD NA DIREKTOR, TASK FORCE DETAINEES OF THE PHILIPPINES): Magandang umaga po sa inyong lahat. Isa pong malaking karangalan na maimbita at maibahagi din ang mga kontribusyon ng Task Force Detainees of the Philippines (TFDP) during the height of martial law. So, unang una, ang TFDP ay nabuo noong 1974 at binuo siya ng Association of Major Religious Superiors of the Philippines. So, mga pari at saka mga madre iyon na kung saan ang former chairperson namin ay si Sr. Mariani Dimaranan, na isa ring biktima noong panahon ng martial law.

According sa aming statistics, there are more than 11,000 victims documented simula noong 1972 hanggang February 1986. So, iyong mga biktima na iyon ay mga biktima ng enforced disappearance, torture, massacre, arrest and detention, salvaging, at saka iyong mga physical assault, at marami pang ibang mga violations (para sa dokumentadong mga halimbawa, basahin ang appendices 2.5, 389-96, at 2.6, 397-406). Bakit ito lang iyong nadokumento natin? Hindi natin ibig sabihin na ito lang iyong mga biktima. Kasi noong after kong pumasok sa TFDP noong 1988, nakapagdokumento pa rin kami ng marami sa mga far-flung barangays sa Mindanao. Kasi taga-Mindanao po ako. So, marami pang undocumented

na mga biktima. Sinasabi natin na [may] napakalaking [pagkukulang] iyong pinirmahan na batas, kasi may mga hindi nakasama doon. Kaso lang po, ang problema natin ay nabitin po iyong batas.

So, ang TFDP po ay [mayroong] museum na tinatawag namin na Museum of Courage and Resistance. Sa office lang po namin iyon. Marami doon iyong mga paintings, mga tula ng mga political detainees at saka iyong mga handicrafts nila. May mga pictures din po doon si [Ferdinand] Marcos at saka iyong mga biktima. At [nan]doon din iyong mga documented cases namin na nakalagay sa isang steel cabinet namin. So, bakit namin pinut-up ito? Para hindi natin makalimutan iyong mga horrible na pangyayari noong panahon ng martial law.

The right to reparation is important for the human rights victims—as part of the healing process for the trauma they have experienced. But we should not also forget that there should be justice for the victims. The perpetrators should be brought to justice and should be prosecuted to end impunity in our country. Kasi, kahit na sabihin natin na demokrasya na tayo after EDSA, kaya lang, according to our statistics, marami pa ring mga paglabag ng ating mga karapatan. Kahit mayroon na tayong Anti-Torture Law noong 2009, marami pa rin kaming nadodokumento na mga torture victims. So kahit na demokrasya na, hindi naman nirerecognize ng ating presidente ang existence ng political detainees ngayon.

As of 31 August [2013], we have documented more than 300 political prisoners and detainees languishing in different detention centers across the country. Hindi lang po civil and political rights ang ipinaglalaban nila. Mayroon nang economic, social, and cultural rights. Kasi iyong mga kapatid natin na mga indigenous peoples na nakipaglaban sa mina at para sa kanilang ancestral domain, kapag hinuhuli sila ay ikinukulong. Political detainees din po ang category nila. At saka iyong mga kapatid din natin na mga magsasaka na nakipaglaban [para] sa lupa na sinasaka nila, ganoon din. Siguro, hindi sila nare-recognize ng gobyerno dahil sabi ni [President Benigno Aquino III] ay pinalaya na po sila noong panahon ng nanay niya. At ang mga ikinaso naman sa kanila ay mga common crimes, hindi rebelyon, kasi lifted na iyong RA 1700 (Anti-Subversion Act).

Kaya ganoon po ang sitwasyon natin ngayon. So, sa inyong mga kabataan, ano ang gagawin natin? We should be vigilant still to assert and fight for our rights so that there is no repeat of the history. Kasi, kahit na sabihin natin na demokrasya na at hindi na kagaya noon iyong violations, still [may] violations pa rin . . . mayroon pa ring paglabag, so never again to martial law. Iyon ang dapat nating bantayan. Kasi parang sa tingin namin, according

to our documentation, parang martial law pa rin kahit na demokrasya na. So, iyon lang po ang maibabahagi ko. Maraming salamat.

MEYNARDO P. MENDOZA (KATUWANG NA PROPESOR, UNIBERSIDAD NG ATENEO DE MANILA): Magandang umaga po sa kanilang lahat, kay Attorney [Domingo], sa mga tagapagsalita, sa mga faculty at estudyante ng UP. Dalawa po iyong gusto kong gawin ngayon. Iyong una po, gusto kong ipakita sa inyo na iyong compensation ay isang bahagi ng isang mas malaking phenomenon para panagutin o to call into account iyong mga perpetrators noon. Pero iyong tinatawag nating to repair historical injustices: kung paano mong sinasagot, kung paano mo isinasara, kung paano nagkakaroon ng historical closure. Iyong pangalawang aspeto, gusto kong magbigay ng konting kuro-kuro at komento tungkol doon sa class suit, iyong MDL 840 na nangyari sa Hawaii, iyong binabanggit po ng ilan sa ating mga tagapagsalita.

Unanguna po, iyon pong reparations is part of a worldwide phenomenon. Kapag sinabi po nating compensation, parang ang mas malaki pong konsepto ay iyong reparations. Compensation forms a part of a larger attempt at repairing historical injustices. Noong nakaraang siglo, napakaraming mga impetus ang nagtulak para magkaroon ng tinatawag nating reparations. Isa dito iyong Holocaust. Kung dati ang reparations ay sa pagitan ng mga estado, ngayon nagbago. Iyong reparations ay hindi na lamang binibigay sa estado kundi sa mga indibidwal. Kasi po iyong Holocaust, hindi lamang iyong mga Jews iyong tinarget, kundi iyong mga homosexuals, political opponents ng Nazi regime, at saka iyong may [mga] physical handicap.

Noong mga last quarter ng nakaraang century, nagkaroon din ng tinatawag natin na collective remorse. Halimbawa, iyong first world countries, sabihin na nating sinakop iyong mga dating ethnic minorities. Halimbawa diyan iyong kaso ng Australia at mga aborigines. Kaya kung natatandaan natin, si [Prime Minister] Kevin Rudd ay humingi ng paumanhin doon sa mga aborigines [na] pinilit isama doon sa mga white families. Sa Canada, iyong mga ancestral domains ng mga tinatawag nating First Nations ay ibinalik iyong lupa. Ilan lamang ito sa mga halimbawa.

At the same time, lumabas din iyong mga atrocities na nangyari during the Second World War na hindi lamang tungkol sa Holocaust. Sa Asia, halimbawa, iyong issue ng comfort women: aside from compensation, ang hinihingi ng mga comfort women is apology and also for the Japanese government to recognize, acknowledge, and add in their history books iyong mga atrocities na ginawa ng kanilang mga tropa.

And then also, nagkasabay toward the latter part, iyong collapse of the authoritarian regimes and also iyong apartheid. And then nagkaroon ng transitions to democratic rule . . . Paano natin papanagutin iyong mga nagkasala, lalo na iyong mga diktador? Naging malaking usapin ito hindi lamang sa mga human rights community pero pati na rin sa mga tinatawag natin na scholars. So itong mga panahon na ito, maraming lumalabas na ngayon sa Facebook, repairing historical injustices, coming into terms with the past, at saka iyong tinatawag nating effective closure.

Maraming paraan para magkaroon ng reparations . . . Unang una, iyong tinatawag nating trials or prosecution. Ang pinakamagandang halimbawa ay iyong MDL 840 noong na-prosecute si [Ferdinand] Marcos. Pero mayroon pang iba. Halimbawa, si [Augusto] Pinochet kung natatandaan natin, although namatay na nga lang, siya ay taga-Chile at noong nagpunta siya sa Britain, hinuli siya on the basis of a warrant na ini-issue ng isang Spanish court, so nag-iiba talaga. Ngayon, ang mga trials, halimbawa iyong Khmer Rouge, sponsored iyan ng United Nations at ilang mga bansa, ng International Criminal Tribunal for Rwanda, Yugoslavia.

Isa rin, ang puwedeng ginagawa ng iba, iyong tinatawag nating "truthtelling" na ang pinakakilala ay iyong South Africa. Although ang unang gumawa nito ay ang Argentina na lumabas noong 1982 yata, 1983 o 1984, iyong "Nunca Mas/Never Again." Dinedetalye dito iyong mga atrocities na nangyari sa Argentina. Although, ang alam natin ay hindi talaga ito natuloy dahil nagkaroon ng coup d'etat.

Ang puwede rin ay iyong tinatawag nating "apologies." Ang puwedeng halimbawa, katulad ng ginawa ni Kevin Rudd na humihingi ng kapatawaran doon sa mga nagawa. Ngayon, gusto ko lang sabihin na mayroong "failed apology." Mayroong nagsasabi ng apology, "I am sorry," pero hindi ibig sabihin noon ay tinatanggap na ng publiko. Halimbawa dito ay iyong si [Richard] Nixon. Nag-sorry siya for the Watergate scandal, pero ang tinatanong naman talaga ay "Kino-conceal mo ba ang scandal?" And then iyong classic case ni Gloria Macapagal-Arroyo. Nag-sorry siya at sinasabi niya na nagkaroon lang siya ng "lapse in judgment." Pero ang talagang tinatanong ng tao ay, "Nandaya ka ba sa eleksyon o hindi?"

Ang isa pa ay iyong tinatawag nating "restitution." Sa restitution ay ibinabalik kung ano iyong ninakaw, kung ano iyong kinuha. So, puwedeng, halimbawa, isauli, ang gaya noong mga nabanggit kanina. Puwedeng lupa, puwedeng artworks, puwedeng pera. Pero para sa akin, kung nabalitaan ninyo, pinakamagandang halimbawa ng restitution iyong nangyari sa Argentina. Noong panahon ng diktadura, from 1976 to 1982, maraming mga detainees na babae ang buntis. Noong nanganak sila, hindi na ibinigay

sa pamilya iyong kanilang anak at ipinamahagi kung kani-kanino. Ibinigay sa mga militar, ibinigay sa pulis, ibinigay sa sundalo, so marami. Ang dahilan nila is that hindi na ulitin iyong mga pagkakamali ng kanilang mga magulang na lumaban sa estado. Ngayon, mayroong grupo ng mga lola na tinatawag na Abuelas [Asociación Civil Abuelas de Plaza de Mayo (Grandmothers of the Plaza de Mayo)]. Nagumpisa sila noong magkaroon ng duda: "Ang alam ko, iyong anak ko, buntis noon. Saan na napunta iyong anak?" So, nagkaroon ng isang napakalaking effort. Dito pumapasok iyong gamit ng science. Sa pamamagitan ng DNA, nakita nila na iyon palang mga apo nilang nawawala ay nandito sa mga pamilyang ito at hindi man lang naibalik. Patuloy pa rin iyong kasong iyan at very inspiring.

Isa rin dito iyong "compensation." Compensation is, katulad ng nangyayari ngayon, in financial terms. Pero tandaan natin na ang compensation ay hindi lang pera. Maraming paraan ng compensation. Halimbawa, sa Latin America, iyong mga anak ng mga, halimbawa, desaparecidos, hindi lang sila binigyan ng pera, binigyan din sila ng hanapbuhay, binigyan din sila ng pabahay, at higit sa lahat, iyong iba dito ay exempted from military service. So, hindi lang pera. Maraming paraan para icompensate iyong mga naging biktima at ang kanilang mga anak na naulila.

Sa Eastern Europe, iyong isang partikular na nangyari ay iyong tinatawag nating "lustration." Well, ibang iba talaga iyong ibig sabihin ng lustration na ginamit noong panahon ng mga Romano at sa kasalukuyan. Pero, ang ibig sabihin nila siguro ay in the simplest terms: iyong mga miyembro ng security apparatus, ng military, hindi na pinabalik iyon. Sayang nga at hindi nangyari sa atin ito. Kung nangyari sa atin ito ay ang laking menos sa human rights violations na nangyari during the Cory [Aquino] administration at pagkatapos.

Pero gusto ko ring sabihin na mayroong moral reparations, halimbawa, iyong commemoration, iyong memorialization na katulad ng ginagawa sa Bantayog ng mga Bayani, sa TFDP, at higit sa lahat—ang nakakagawa pa lang nito is South Africa—iyong history writing. Alam natin na ang isang isyung katulad ng martial law ay very contentious. Palaging pinag-aawayan kung sino ang tama at sino ang mali. Pero South Africa was able to come up with a shared history na both victims and perpetrators naniniwala o tinatanggap na ganito iyong nangyari during that time.

Reparations can affect closure. Posible. Halimbawa, para sa akin, may tatlong elemento ito. Una, iyong katotohanan o truth. Ibig sabihin, malaman mo talaga kung ano ang nangyari during the time of martial law. Importante ito [na] malaman ng mga tao. Halimbawa, lalo na doon sa mga nawala, lalo na doon sa mga namatay, ay ano ba talaga ang nangyari? Kasi marami pa

tayong desaparecidos. Hindi pa rin natin alam kung ano ang tunay na nangyari. Iyong katotohanan, importante rin because it is the basis for compensation. Doon mo malalaman, ito ang magiging batayan natin, kung sino ang tinorture, sino iyong nakulong, sino iyong ginahasa, etc. Importante rin iyong justice. Although medyo mahirap ito, pero mahalaga. Kung hindi man halimbawa mapatalsik, siguro mayroong paraan to do justice, halimbawa ay makasuhan man lang, if ever. Finally, compensation na katulad ng sinabi ko. Ang gusto ko lang bigyang diin, of course, itong truth, justice, at compensation, ay puwedeng isa, puwedeng dalawa, puwedeng tatlo, depende iyan sa gravity of the crime committed. Pero in the end, ang gusto kong sabihin, iyong full satisfaction cannot be attained. Nasa tao pa rin iyon. Nasa biktima pa rin iyon. No amount of compensation can bring back life, can bring back the victim. Hindi na puwede iyon. And again, moving on is still an individual choice. Ang maganda dito nga ay iyong nangyari sa Argentina. Iyong mga lola, they have moved on. Ginamit nila iyong paghahanap sa kanilang mga apo. Pero may tinatawag na "Madres del Plaza de Mayo" (Mothers of the Plaza de Mayo). Iyong mga nanay ng mga nawala, hanggang ngayon ay nagbabatuloy ba rin na tuwing Huwebes ng habon ay nandoon sa harap ng torture site, sa ESMA [Escuela de Mecanica de la Armada], at patuloy pa rin. Ngayon, sinabi ng iba, "Dapat mag-move on na kayo, dapat tanggapin niyo na." In the end, sa maraming kaso, hindi mo naman talaga makukuha iyong full satisfaction.

Iyong MDL 840, gusto ko lang balikan iyong sinabi nila, totoo talaga iyon. Napakaraming "firsts" ang na-accomplish. It was first filed in 1986. Ang ginamit na batas ay iyong [ATCA (Alien Tort Claims Act)]. Alam niyo namang tumakbo si Marcos sa Hawaii. Ngayon, kinuwestyon iyon. Bakit mo hahabulin sa Hawaii kung iyong crimes ay nangyari sa Pilipinas? So, ang ginamit na batas ay iyong ATCA. Kung napanood niyo iyong "Amistad" (Spielberg 1997), iyong slave ship, iyon iyon e. Doon unang ginamit iyon kasi ang ATCA is customary law, ibig sabihin, kung anong batas iyong nirerecognize—hindi batas e kundi iyong moralidad, iyong etika, na ginagamit ng mga bansa-kaya, again, doon sa "Amistad" ang nagkaroon ng jurisdiction ay ang America, although, iyong ship is Portuguese. Iyon iyong ginamit na konsepto. Puwede nating habulin si Marcos sa pamamagitan ng ATCA dahil sa mga human rights violations na ginawa nila dito sa Pilipinas. Noong unang na-file iyan noong 1986, na-dismiss iyan. Malakas iyong "act of state" law. Ang paniniwala noon sa legal circles ay iyong act of state is beyond the legal domain. Hindi mo puwedeng ihabla iyong estado dahil sa mga ginawa niya. Ngayon, it was refiled in 1992. Mahalaga ring banggitin

na iba na kasi iyong ating human rights regime. Na-debunk na iyong act of state doctrine.

Pangalawa, hindi lang ATCA iyong ginamit. Sa US, hindi ko alam kung anong taon, [19]88 o [19]89 yata, may lumabas na TVPA o Torture Victim Protection Act. It was the result of many cases. Kasi marami ring mga diktador na nagpunta sa Amerika. So hinabol na, hinabol din iyon. Isa dito iyong Manuel Noriega case na nangyari sa Panama. So based on that nagkaroon na ng Torture Victim Protection Act. Iyong ATCA kasi lays the basis for prosecuting or for putting into account Marcos. Iyong TVPA laid the basis for compensation. Ano iyong batayan mo kung bakit ka nagkaroon ng ganitong kalaking account? Iyon iyong TVPA. Maraming naachieve iyan.

Kaya lang, ang gusto kong sabihin maraming limitasyon din ang MDL 840. Unang una, it is a civil case and not a criminal case—kung mali po ako, paki-correct na lamang po ako-sa pagkakaintindi ko po, it is a civil case, hindi siya criminal. Kumbaga, parang negotiation o settlement. Pangalawa, compared sa ibang court o sa ibang prosecution, na kung saan, halimbawa sa South Africa, nako-confront mo iyong perpetrator mo, nakikita mo, nasasabi mo, nagkakaroon in the sense ng catharsis. Ngayon, iyong MDL 840, nangyari sa Hawaii at dalawang linggo lang iyon. And then ang ginawa nga ay nagdala ng ilang mga testigo at nagkaroon ng kaso. Ngayon, nakakalungkot din. Who remembers this class suit, especially iyong dalawang linggo kung saan nagbigay ng testimonya iyong human rights victims? Hindi naging popular ito. Hindi ito naintindihan o napaabot sa nakararaming Pilipino. At higit sa lahat, hindi na natin nakikita iyong significance.

Ito ngayon iyong crux of the matter. On the one hand, you have compensation o iyong tinatawag nating reparations na isinusulong ng Marcos human rights victims. On the other hand, it runs against the state's drive to reform the Constitution. Unique po kasi ang rehimeng Marcos. Hindi lang po siya diktadura, kleptokrasiya rin po siya. Marami rin po talagang ninakaw. Kaya ang unang EO [executive order] na ginawa ni Cory [Aguino] was to establish the PCGG to run after the Marcos illgotten wealth. And noong 1 April 1986, the PCGG filed a letter to the Swiss authorities for the recovery of the ill-gotten wealth. And again, para sa PCGG, the state's claim to Marcos ill-gotten wealth is superior to human rights [victims' claim]. I think dito nanggagaling kung bakit iyong PCGG ay palaging kinokontra ang claims ng Claimants 1081. Kumbaga, parang dahil na rin sa batas, dahil sa CARP o Comprehensive Agrarian Reform Program, sinasabing lahat ng makukuhang pera na galing sa illgotten wealth ay ilalaan para sa agrarian reform. Kumbaga, nagtutunggalian

talaga. Sa isang banda ay hinahabol mo iyong Marcos ill-gotten wealth para sa agrarian reform, and at the same time, gusto mo rin talagang macompensate iyong mga biktima ng martial law. So, talagang umpugan iyon.

Ito iyong akin. Number one, noong inumpisahan talaga iyong kaso, well, binabalikan ko talaga iyong mga dokumento, malinaw naman doon sa mga unang nag-file, lalo na noong 1986 at katulad na lang po noong sinabi ni Mrs. Fe Buenaventura-Mangahas, it was not about money. Noong nafile iyong kasong iyan, it was about making people remember what martial law was all about and it should not ever happen again. Kaya lang, nagkaroon ng napakamasalimuot na mga pangyayari over the past several years. Ang nangyari pa nga ho, nahati iyong human rights community. Pati iyong claimants, nahati.2 Nagkaroon ng SELDA, ng Karapatan [Alliance for the Advancement of People's Rights]. Masalimuot po iyon kaya ayoko na magbanggit tungkol doon. Ang gusto ko lang sabihin is, balikan ko lang: truth, justice, at compensation. Nagkaroon ba ng element ng truth? Hindi na. Kasi noong unang taon ni Cory [Aquino], si Senator [Jose W.] Diokno nagkaroon ng Presidential Committee on Human Rights. Ito sana iyong gusto niyang gawin, kaya lang, iyong transition natin to democratic rule was very chaotic. And later on, habang nakaupo si Cory [Aquino], wala siyang ibang paraan kundi sumandig sa Armed Forces [of the Philippines] na talaga namang mga human rights violators. So, mapapaisip ka, nakakainis lang na kung sino pa iyong nagparusa, siya pa iyong nag-save sa demokrasya noong 1986, in a way, sa isang banda. So, hindi natin nagawa—namatay si Senator Diokno. How do you go after the military who are trying to save you from rebel elements? Pangalawa, justice. Lalong hindi na rin. So, ang puwede na lang talaga is compensation. So medyo malakas iyong [kaso] natin dito. Gusto ko ring sabihin na ayokong magkomento tungkol sa pera. Ibang usapan iyan. Kung may makukuha ka talaga, very good. Pero sa atin, I think ang pagkukulang natin ay dapat gumawa talaga tayo ng isang shared history about martial law. Again, commemoration: mayroong moral reparations na dapat ay ginagawa ng mga historyador na katulad namin. Kasalanan namin ito, sa isang banda.

So, huli na lang iyong RA 10368. Mahalaga ito, although hindi pa talaga napu-fulfill for several reasons. Number one, ini-acknowledge ng

Basahin ang SELDA (2013, 6ff.) para sa kanilang salaysay sa pagkakahati ng mga claimants at kalaunang pagkikipagtunggali ng SELDA sa iba't ibang partido na sa kanilang palagay salungat o wala sa interes ng mga ito ang kapakanan ng mga biktima ng batas militar.

estado iyong paghihirap at sakripisyo ng mga Marcos human rights victims. So, importante iyan, ini-acknowledge. For the past twenty-plus years hindi ina-acknowledge, mula kay Cory [Aquino] hanggang kay Gloria [Macapagal-Arroyo], hindi ini-acknowledge (basahin ang appendix 2.7, 407-12). Ngayon lang ini-acknowledge sa bagong administrasyon iyong paghihirap nila. Pangalawa, may pera. Naglaan ng PHP 10 billion. Actually, maliit nga iyon. Ang naibigay po sa atin, iyong galing sa Swiss accounts ay USD 628 million, something like PHP 58 billion. Ang ibibigay sa kanila ay PHP 10 billion lang. Tingnan ninyo po: lumabas iyong Supreme Court decision noong 1999, then na-finalize ng Supreme Court noong 2003 na iyong USD 628 million, hindi kay Marcos iyan kundi sa estado.<sup>3</sup> The following year ay eleksyon at ang hinala ko po talaga, iyong fertilizer fund scam ay galing po diyan. 4 Although, hindi ko po talaga alam at gustong gusto kong malaman talaga. At palagay ko ay posible. Hindi kataka-taka. Alam niyo po, iyong RA 10368 completes the Swiss court requirements to compensate the victims. Kasi noong lumabas iyong Swiss court decision, lalo na noong ibinibigay iyong pera sa atin, may collatilla po doon na mayroon talaga dabat na bera bara ilaan ng gobyerno bara sa human rights victims. Iyon lamang po ang gusto kong sabihin. Marami pong salamat sa kanila.

ROBERTO DICIEMBRE (OPISYAL PAMBATASAN AT KOMUNIKASYON, Tanggapan ni Jose Kristopher "Kit" Belmonte, Kinatawan sa Mababang KAPULUNGAN NG IKA-ANIM NA DISTRITO NG LUNGSOD QUEZON): Magandang umaga po sa inyong lahat. Unanguna, maraming salamat po sa inyong imbitasyon, sa TWSC. Pangalawa, humihingi po ako ng paumanhin at hindi po makakarating ngayon si Cong. Kit Belmonte. Iyong unang dahilan na pinadala namin ay dapat ay may House Committee on Justice Committee meeting ngayon pero dahil marathon iyong 2014 budget sa plenary at miyembro po si Congressman [Belmonte] ng Committee on Appropriations and, at the same time, siya din ang assistant majority floor leader, kaya busy po siya ngayon sa loob ng plenaryo. Sa mga nakakakilala po kay Congressman [Belmonte], naging aktibista siya noong pagpasok niya sa UP [noong] 1982. So, marami po sa mga biktima ng martial law ay kaibigan niya. Marami rin sa mga kaibigan niya ang namatay.

<sup>3.</sup> USD 658 million ang tamang halaga ng perang nasa escrow sa Philippine National Bank noong 31 Enero 2002. Ibinaba ng Korte Suprema ang nasabing desisyon noong 15 Hulyo 2003 (Republic of the Philippines v. Sandiganbayan, Marcos et al., G.R. No. 152154).

<sup>4.</sup> May ganito ring paghihinala ang SELDA (2013, 19-20).

RA 10368. Kaya lang, fifteenth Congress iyong gumawa nito at ngayon po, bilang congressman ng District Six ng Quezon City, first term po niya, sa sixteenth Congress, inaasahan po namin na tuloy-tuloy na iyong pagimplement noong nasabing batas.

Binigyan namin ng benefit of the doubt iyong Office of the President dahil panahon ng eleksyon noong pinirmahan iyong batas. May mga bagay na hindi dapat gawin ang pangulo o ang [chief] executive tuwing panahon ng eleksyon. Ngunit tapos na po iyong eleksyon at nag-deliver na po siya ng kaniyang State of the Nation [Address]. Umabot doon sa punto na after six months ay nagsalita po iyong mga author ng nasabing batas gaya nina Cong. Edcel Lagman, gayun din iyong Commission on Human Rights chair na si Loretta Ann Rosales, tungkol dito sa implementasyon or [pagbubuo] ng Human Rights Victims' Claims Board. Naghintay po kami ng one week, and then, sabi ni Congressman [Belmonte], i-go na natin iyong HR [House Resolution]. Alam po namin na iyong bola ngayon ay nasa Malacañang na. Nagawa na po ng Kongreso iyong papel niya. Naisabatas na ito. Nasa Malacañang na po iyong bola. Ang kaya na lamang po naming gawin ay gumawa ulit ng isang House Resolution para itulak ulit at sabihan ang Malacañang na ipatupad iyong nasabing batas o buuin na iyong HRVs' Claims Board. At ito nga po iyong ginawa namin: iyong House Resolution 2546. Kung saan-babanggitin ko po iyong titulo-o iyong, "Resolution expressing the sense of the House of Representatives on the urgency to jumpstart the full implementation of RA 10368, otherwise known as the Human Rights Victims Reparation and Recognition Act of 2013, providing for the reparation and recognition of victims of human rights violations during the Marcos Regime, and the documentation of the said violations, by way of immediately constituting the Human Rights Victims' Claims Board and allow the same to commence the performance of its mandate." Sa Kongreso po, hindi lang porke nagpasa ka ng resolusyon ay iyon na iyon. Kahit iyong mga house bills, kung may mga good, bad, [and] dead laws, mayroon ding bills na ganoong category, siguro kasi, medyo maraming mga mambabatas na file lang nang file para kapag nag-report sila sa constituents nila, marami silang naisumiteng batas. Kami po pinipili namin. At ito po ang kauna-unahan naming House Resolution na isinumite. Ipinadala na rin po natin iyong kopya, kahit na hindi pa siya adopted ng House [of Representatives], sa CHR, gayundin sa Office of the President. Kumbaga, parang timbre na mayroon kaming isinubmit na House Resolution.

Ngayon, galing po ako sa isang campaign organization. Napansin ko na once nag-file ka, hindi lang din siya basta ganoon tatakbo. Mangangampanya

ka rin sa loob ng Kongreso. So, last week nagkaroon ng kauna-unahang meeting ng House Committee on Human Rights kung saan nandoon din iyong isa nating speaker, si Ms. Karen [Gomez-Dumpit]. Akala namin ididiscuss na iyong mga house bills and resolutions sa Committee on Human Rights pero isa lamang siyang briefing on torture. Maganda rin kasi marami tayong natutunan doon. Pero, ang sistema kasi sa loob is you convince the other members of the committee. Kasi, nabasa na siya sa floor, pumunta na siya sa committee. So, kapag inaprubahan or majority ng members ng House Committee ay pumirma as co-author ng House Resolution, puwede na siya for adoption ng House. So, iyong time na nagkita kami doon sa House Committee, talagang may dala po kaming papel na nangangampanya sa mga congressman para maging co-author ng House Resolution. Unfortunately, apat lang-si Congressman [Belmonte], si Cong. Barry [Gutierrez], iyong chair ng House Committee, at si Cong. [Rene] Relampagos—iyong dumating. So apat lang. Iyon po, bale ulitin ko lang, sa totoo lang nagawa na ng House, ng Congress, as a whole, iyong kaniyang papel dito sa Compensation Act na ito, although maraming kritisismo. Naiintindihan po natin iyon. Ang bola po ngayon ay nasa Malacañang na. Itinutulak po natin sa House ang isang resolusyon na gisingin, kilitiin ang Malacañang para ipatupad na iyong nasabing batas.

KAREN GOMEZ-DUMPIT (DIREKTOR, TANGGAPAN PARA SA MGA Ugnayang Pampamahalaan, Komisyon ng Karapatang Pantao): Magandang umaga po sa ating lahat. The chair sends her regrets for this event pero pinadala niya po ako bilang representante ng Komisyon ng Karapatang Pantao para ibahagi sa inyo kung ano na po iyong nagawa namin. But let it be said that she is actually in Atimonan, Quezon. She is going to open a forest museum for human rights victims in Atimonan. Marami po kasing centuries-old trees doon. Magti-tree planting din po sila just to build community memorials para makita na across the nation, mayroon tayong mga palatandaan or iyong mga markers para makita natin iyong paghihirap ng mga biktima ng martial law. So let me just share with you our presentation for today and siguro magkukwento din ako ng kaunti sa inyo tungkol sa mga back stories about how we helped in instituting a law for compessation of human rights victims. So basically, my scope is, of course, where they left off, siguro I will continue. This is in the Constitution. And then some thoughts on MDL 840 and then tatapusin ko po doon sa frequently asked questions about the law itself [RA] 10368, which has been covered by our speakers so madali na lamang po iyon.

Kaya malapit po sa puso niya at ikinatuwa po niya noong naisabatas iyong So basically when we had the 1987 People Power Constitution, ang maganda po dito, this is actually an ideal Constitution. Kasi galing nga tayo do'n sa ating dark past, sa atrocities of martial rule, and ang mensahe po ng ating Constitution is "Never Again." That is why we have human rights safeguards in the Constitution and I can name two, na memoryado na po iyan, parang mantra sa Komisyon ng Karapatang Pangtao. It states that "the state values the dignity of every human person and guarantees full respect for human rights." Malaman po iyong sinasabi pero totoo nga ba po kung nangyayari iyan sa ngayon? So makikita ninyo naman noong nakinig tayo sa mga biktima, sa mga historians, marami pa pong dapat ipatupad itong mensahe na ito. But basically sinabi rin po ng ating kasama sa Kongreso, napatupad po nila at some point when they passed RA 10368, iyong [provision ng Constitution na] "Congress shall give the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good." Again mga malalaman na mga salita pero kung titignan natin parang mahirap pang abutin or to claim it fully.

One basic human rights safeguard that was installed in the 1987 Constitution was the creation of an independent Commission on Human Rights. Kanina, narinig po natin iyong historian natin, na ang gusto po noon, noong itinatag iyong Presidential Human Rights Committee was to form a truth commission. In fact noong ako ay nag-aaral po at nagsasanay sa karapatang pantao, inisip ko nga po, "Has the committee failed in its role to tell the truth?" So siguro kayo po ang makakapagsabi kung, at one point siguro puwedeng nag-fail kami, pero in some other ways siguro naman po nagtagumpay kami kahit papaano. Ito po iyong nakasaad sa Constitution na aming mga kailangang gawin. First is to "investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights." Bakit po civil and political rights? Sinabi po ng nagbalangkas ng Constitution natin na kailangang bigyan ng importansya o prioridad ang civil and political rights kasi iyan talaga iyong mga violations na talagang namayagpag noong time ng martial law, so kailangang unahin po iyon. So kung tutuusin, kung titingnan po natin, mahalaga po ito na balikan kasi may records po kami ng human rights violations noong nakaraang martial rule and this will be quite significant when we take a look at and implement RA 10368. Of course iyong iba is to "provide appropriate legal measures for the

protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged." Pero siguro titignan natin iyong pinakadirektang mandato when it comes to human rights compensation. Nabigyang diin ito sa isang mandato na nagsasabing kailangan kaming mag-recommend sa Kongreso ng epektibong measures o programa para ma-promote ang human rights at para maka-provide ng compensation ang estado to victims of violations of human rights or their families. So makikita natin in this mandate alone we can already see na with the passage of RA 10368, we have fulfilled somewhat this particular constitutional promise and safeguard in the Constitution. Maaari nga pong huli pero ang Kongreso po kasi instrument ng democracy so it will really take time. And sabi nga kanina, it took twenty-seven years for this constitutional promise to be fulfilled; na nakikita naman natin na sa hanggang sa ngayon ay hindi pa fully fulfilled.

And then ito pa po iyong mga sumusunod na aming mga mandato sa konstitusyon. Going to MDL 840-hindi ko na po palalawigin pa-pero sabihin na rin natin na siyempre iyong Alien Tort Act, it is a private claim. Marami po kasing nagsasabi na bakit wala daw sila sa listahan, human rights victim naman po sila. Ang sinasabi po namin, "Totoo naman po iyon, hindi naman po ipinagkakait sa inyo iyong claim na kayo ay human rights victim, you were victmized during martial law, but this is a private claim." The sad fact about this is siyempre kung hindi kayo naabot ng network ninyo, iyong mga ordinaryong mga taong nasalanta rin during martial law na hindi naabot ng particular initiative na ito, hindi po sila kasama dito. But, nevertheless, what we did was because we have the mandate to be able to help, to ensure help or assistance to human rights victims, especially because we arose out of that "never again" promise of the Constitution, we assisted the counsels, and we went around the country para magtagpo po iyong counsel at eligible class members para magkaroon noong kumpensasyon na naaayon doon sa private claim na iyon.

And then of course we monitored iyong case sa Makati. Iyong enforcement noong foreign judgment, na siguro maaari natin tanungin din si Atty. Rod [Domingo] kung ano na ang nangyari doon kasi natalo nga sa kaso at hindi daw na-exhaust iyong domestic remedies bago maipatupad iyong foreign judgment na iyon. Iyon ang sabi ng judge sa Makati RTC. Pero ang importante pong isipin po dito, sinabi din nga po ng tagapagsalita natin kanina, si Mrs. Fe Buenaventura-Mangahas, na ang justice po parang "just-tiis" sa atin. Kasi makikita din po dito na kahit tinataguyod po nila iyong claims nila under this private claim, makikita natin na even our system of justice is so restrictive because when they first tried to put this case in our courts, ang sabi po ng korte ay kailangang magbayad po kayo ng masyadong mataas na court fees. It took the human rights committee of the United Nations to say, "This is discriminatory, you cannot do that." Kasi biktima na nga ito, you are doubly victimizing them by saying, "You have to pay these fees." So that led to a communication against the Philippines saying that you must be able to install that court case para mag-proceed na iyan. But many years later, as we know, recently nga, sinabi nga na nag-fail daw to exhaust domestic remedies kaya hindi maenforce iyong foreign judgment na ipinanalo nila Atty. Rod [Domingo].

Here comes now RA 10368. Marami po kasing nagtatanong, "Covered ba ako diyan? Sinu-sino ba po?" Puwede ko pong sabihin sa inyo, in summary, the dimesions [on] who is a human rights victim can be answered maybe in three, four points. First is kung nangyari liyong human rights violation] between the reglamentary period-and the reglamentary period is 21 September 1972 to 25 February 1986. Marami na pong pag-aaral dito, marami na pong debate, marami na rin pong umiyak kung bakit ganito lang iyong time period na ibinigay. Marami rin pong nagtanong, "Bakit hindi ninyo ni-reckon from the time when the writ of habeas corpus was actually revoked, or suspended, rather?" So sabi naman namin, we left it up to the wisdom of the authors of the bill kung bakit ganito po ito. Marami pong magsasabing masakit kasi baka hindi sila covered pero titingnan din po natin kasi ang tema po ng batas nito ay hindi na dapat palawigin ang pagpapahirap sa mga biktima ng karapatang pantao during martial law. So that is one element. The second element is that sino ba iyong nag-violate? Sino ba iyon gumawa ng kahayupan sa kanila? Of course ito na iyon ano, "agents of the state or persons acting in official capacity as defined" and dapat iyong layunin [nila] is "to preserve, maintain, support, and promote the said martial law regime or dictatorial regime." And third is "to conceal abuses during the martial law or the Marcos regime and/or the effects of martial law." Sabi nga po kanina ay marami na pong tumatanda na mga human rights victims. Marami na pong nangamatay. At marami pong nag-disappear na hindi na nga nag-reappear, at hindi na nalaman kung ano na ang nangyari sa kanila. So papaano po iyong mga ganoon? Ang sinasabi po dito, of course the heirs can claim. And those who are deceased, incapacitated, missing, legal heirs po or representative can be the one [to claim]. Marami pong kuwento dito na siguro puwede natin pag-usapan at a later venue. Pero masasabi ko po sa inyo na kasama din po ako, katulad noong sinabi ko na, [those] who went around to ensure that iyong Komisyon ng Karapatang Pantao opens its doors to both counsel and clients during MDL 840. Makikita po ninyo na talagang a generation has passed. At makikita ninyo iyong effects ng violations nandoon pa rin. And the effects seep down to their daughters, their brothers, [and] sisters. Makikita ninyo po just by their testimonies alone. Pagtanggap po nila ng tseke, minsan, bumabalik po sa kanila iyong paghihirap na dinanas ng kapatid nila. Sasabihin po nila na, "Hindi naman po iyon pinatay, kinatay." May iba nilitson. Iyong mga gano'ng stories. So we have to ensure na lahat ng biktima po sana ma-cover dito. But of course under the law, kailangang magapply po tayo. Sabi nga po kanina ng ating historian dito, na iyong satisfaction cannot be reached, full satisfaction still depends on us and one action that we want is to be able to empower the victims and their heirs to be able to claim under this particular law.

So kung anu-ano iyong mga violations na iyon makikita po natin na there are [six] main [categories]: (1) "any search, arrest, and/or detention without a valid search warrant," iyong mga under ASSO [Arrest, Search, and Seizure Order], PCO [Presidential Commitment Order], PDA [Preventive Detention Action], iyan, matutugunan iyan; (2) "infliction by a person of torture, killing, injury," kasama din po iyan; (3) "involuntary disappearance," at kung naghahanap po tayo ng definition nito, ang Kongreso ay umakto na [and] has defined enforced disappearance under that law; (4) "force and intimidation causing the involuntary exile of the person from the Philippines," hindi po siguro lingid sa kaalaman ng maraming tao na marami po talagang umalis kasi napilitan silang umalis, and I have relatives who have left involuntarily, were forced to leave, because of the threats to their lives; (5) "any act or force of intimidation received causing unjust illegal takeover of a business, confiscation of property, etc.;" and then (6) "any act or series of acts causing, committing and/ or conducting the following: kidnapping, or exploiting children or persons suspected, committing sexual offences against human rights victims, detained, or in the course of conducting military or police operations," marami po tayong kababaihan na nabiktima po dito, and "other violations similar or analogous to the above." So marami pong covered na puwede pong matugunan.

Katulad din po ng sinabi kanina, is iyong entitlements. Sabi nga po hindi po ito pera-pera lamang. Sabi nga po din ng aming pinuno na si Chairman Etta Rosales—na isa rin pong biktima, she was sexually abused while in detention, she was tortured—sinabi po niya, simbolo rin po ito. Simbolo na kinikilala ng gobyerno natin na may nangyaring ganito. Simbolo rin po ito sa pagre-repair sa harm kahit papaano na [naranasan] nila directly, kasi

marami rin pong nagsasabi na lahat naman tayo biktima ng martial law. Whether we know it or not, whether we acknowledge it or not, we are all victims of that dark past. But for us, ang sinasabi natin, kapag tinugunan natin iyong human rights based approach, let us look at the most vulnerable. And these are really the victims. That is why there is direct compensation to them. Nonmonetary [compensation] can also include, katulad nga po noong nabanggit kanina, iyong memorialization also. Straightening of our history books. Iyan, kailangan po natin at marami tayong dapat tugunan na mga trabaho tungkol doon para maging reyalidad iyon. Aside from, of course, monetary compensation, na hindi po natin kakalimutan.

Bukas po kasi ay anibersaryo . . . ng pag-deklara ng martial law sa Pilipinas. So ilang taon na po iyon? Kami po, personally si Chair Etta [Rosales] has actually been asking Malacañang, "Please appoint already, constitute the Compensation Board." Isa pong chairman iyan, eight members. Magwo-work po in three divisions para mas mabilis po ang agos ng pag-process ng mga claims. They only have thirty days to organize once they are constituted, nine-member body, and they have only about fifteen days to be able to issue the IRR. Ang sabi po ng aking pinuno, si Chair Etta [Rosales], tutulungan po natin sila, magbibigay kami ng payo ukol sa IRR para matulungan na po sila na malathala iyan as soon as possible. Kasi po matagal na itong hinintay ng mga biktima pero kailangan din po makita natin na matulungan din itong Compensation Board. Kasi sila ang natatanging body that can process claims for this. We will be happy to answer your questions to the best of our abilities.

#### MALAYANG TALAKAYAN

**FRAGO:** Ngayon po ay binubuksan na natin ang floor para sa mga katanungan mula sa audience, sa mga estudyante, at mga bisita. Sino ang gustong magtanong?

ROGER MANGAHAS: Ako ay dating political detainee katulad ng iba ritong mga katulad kong senior citizens na. May nabanggit dito na ang mga detenido o iyong mga ex-political detainees ay naghabla hindi para sa pera. Totoo iyung ganoong sinasabi. Actually kaming mag-asawa, kaya lang kami nag-file noon ay noong malaman namin na walang sapat na pangalan na nagsisipag-file. Ibig sabihin, hindi sapat iyong mga nagpa-file at nagmamalaki si Imelda [Marcos] na, "Tingnan ninyo wala naman aniyang nagpa-file,

hindi naman totoo iyong sinasabing maraming na-commit na violations of human rights" (basahin ang appendix 2.8, 413-18, para sa patunay na alam ni Imelda Marcos ang nangyayari sa ilan sa mga detenidong pulitikal). Kinabahan kami. Bakit ganoon? Ibig sabihin walang nagpa-file ng kaso? Hindi sapat ang dami ng mga pangalan? So, siguro mga two days na iyon bago matapos ang filing, so kaming mag-asawa ay nagpunta sa opisina ng Task Force Detainees yata iyon? Nalimutan ko na. Hindi dahil sa pera kung hindi para parusahan iyong mga nag-commit ng violations of human rights. Ang masama ngayon, kung sino iyong mga naging instrumento, mga naging ahente ng martial law ay siya pang iniluluklok ng mga tao sa Senado o sa Kongreso. Nagiging senador, nagiging kongresista, nagiging gobernador, mayor ang mga violators of human rights, mga naging corrupt, mga naging masamang halimbawa ng mga lider sa ating bayan. Pero ngayon sa tingin namin ay parang walang anuman sa mga tao. Lumilitaw na parang, halimbawa dito sa peak ng EDSA People Power, lumilitaw na iyon pang militar na nag-commit ng violations of human rights ay siyang nagsagip sa mga tao. Parang iyon ang ibig nilang palitawin. Pero ang totoo noon, kung hindi nagpuntahan ang mga tao doon sa EDSA, dead meat iyong mga sundalo. Wala silang magagawa. Kaya ang talagang mga bayani doon sa EDSA ay iyong sambayanan, mga mamamayan, na talagang lumaban sa diktadura. So, itong mga darating na eleksyon, dapat ay mag-isip ang mga tao. At ako ay nalulungkot dahil, of course maraming mga tao ay manghang mangha lang, madaling mabili. Dahil sa pera, pati ang mga hukuman natin, mga justices, marami diyan mga corrupt. Napaka-corrupt. Ito sabi ng isang kaibigan kong lawyer, sabi niya, sa kaniyang karanasan—matagal na siyang abogado—mga 60-70 percent ng kanilang hanay ay tumatanggap ng suhol. Ang ibig sabihin mga 30 porsiyento lamang ang hindi, o mga santo. Gayundin ang mga judges, mga hukom, hindi mo masasabing mga santo. Kaya kinakailangang maging mulat tayo, maging vigilant.

Kasi ito iyong pagkakataon talagang maintindihan ninyo kung ano ang mga talagang nangyari noong panahon ng batas militar. Ito iyong itinatagong bahagi sa ating kasaysayan na dapat ninyong malaman. Sapagkat mauulit ito kapag hindi ninyo pinahalagahan. Kapag hindi ninyo nalaman ang tunay na nangyari noon, puwedeng maulit sa inyong mga anak o mga apo balang araw. Ang mga naranasang torture, watercure—isipin ninyo, ako ay may mga nakasamang na-watercure. [May] mga na-rape na mga kababaihan, mga kasamang bigla na lamang nawala, hindi na bumalik sa tahanan. At ang masama ay [ang] talagang na-rape, talagang iba't ibang uri ng mga pagsasamantala sa kababaihan. Iyong mga nakita ko noon na mga violations

of human rights, iyon ang mabigat. Kung ikaw ay isang taong sensitibo, mayroon kang pakiramdam, mayroon kang puso, ay talagang tatalaban ka.

Ngayon, itong nabanggit kanina na tungkol sa mga minahan. Iyong tungkol sa mga pangkat etniko, totoong napakarami pang mga pangkat etniko, marami tayong mga pangkat etniko-more than 187 yata, mahigit, almost 200. Marami diyan hindi natin namamalayan sa kanilang mga pamayanan ang napagsasamantalahan ng mga taong gobyerno at ng kanilang mga kaalyansa. At dahil ginagawang minahan ang kanilang kapaligiran, nawawasak ang kanilang pamayanan. Ang environment ay nawawasak. Napakaganda nitong ating kapuluan pero kung nakikita mong nawawasak ang ating kapaligiran, ano ang kinabukasan ng mga kabataan sa mga darating na panahon? Kaya kinakailangan maging bantay tayo roon, alam natin kung ano ang nangyayari sa kanila. Maging sympathetic tayo doon sa mga taong iyon. Malayo sila dito pero dapat mayroon tayong paraan para maunawaan, malaman kung anong nangyayari sa kanila. Hindi nangangahulugang malayo sila, wala tayong pakiramdam. Sabi nga natin na ang sakit ng kalingkingan ramdam ng buong katawan. Ang nangyari sa Batanes hanggang Jolo at Tawi-Tawi, dapat nalalaman natin at nararamdaman natin kung ano ang kanilang pangangailangan at mga dinadaing sa kanilang lugar. So kayong mga kabataan sana magbasa kayo ng mga librong nagpapakita ng kasaysayan ng ating bayan, partikular noong panahon ng batas militar. Upang lalo ninyong maunawaan kung ano ang inyong dapat maging tungkulin sa ating lipunan.

GEORGE FABROS: Maganda po iyong sinabi ni Ka Roger Mangahas. Freshman ako noong nag-martial law dito sa UP Diliman. Para lang maillustrate sa mga kabataan iyong ikinukuwento ni Ka Roger, isa lang iyong entrance sa Faculty Center noon, tapos kakapkapan ka. So may nakastation doon na UP Police and alam ng mga UP students na hindi sila purely UP Police. May intelligence agency silang kabilang. Kaya kakapkapan ka, iyong bags mo, everything. Tapos noong araw namin may JD Transit pa. May mga bus na nakakapasok sa UP Diliman. Tapos doon pa lang [sa bus] aakyat na iyong mga UP Police, tapos kakapkapan doon pa lang. And then iyong AS [Arts and Sciences Building]—AS pa iyong tawag noon, ngayon Palma Hall, pero sikat pa rin iyong term na AS-naka-grills, tapos dalawa lang yata iyong entrance and exit. All the rest nakasarado. Kaya parang isang military garrison iyong buong UP Diliman. Okay, so nagkaroon pa nga ng recess kasi September 21, 23 idineclare [ang martial law]. Nagkaroon ng [mga araw na walang] pasok tapos noong ibinalik, ibang iba na iyong UP. Iyong UP before the declaration of martial law, very vibrant ang student organizations noon. Tapos doon lumitaw iyong partido

ng mga estudyante na SAMASA [Sandigan ng mga Mag-aaral para sa Sambayanan]. Tapos makikita natin na pagdating ng martial law, wala, talagang tahimik, parang hindi ka nasa UP. Parang wala ka sa UP. Ang tahitahimik, parang katahimikan ng isang nitso. Talagang patay na patay ang UP Diliman. Until bumangon ulit iyong student movement. At dito ninyo maaappreciate iyong mga tinatawag ngayon na iskolar ng bayan. Sabi ng iba more of image rather than substance sa Diliman at ewan ko lang sa ibang constituent universities. Pero noon, nag-rally ang mga estudyante sa loob ng AS. Dean pa si Francisco "Dodong" Nemenzo ng College of Arts and Sciences. Sumisigaw from first floor, second floor, third floor. Nagra-rally and then maraming kumukuha ng pictures noong time na iyon. Kaya kita ninyo, very risky maging UP student noong panahon na iyon. Kung ayaw mo na nawala iyong freedoms mo-siyempre oblation ang symbol-then gagawa ka ng paraan. Magsasalita ka kahit very risky. Kaya diyan na papasok iyong human rights violations. Hindi lang sa students, faculty, [and] staff. And then hindi mo na alam kung sino iyong pagkakatiwalaan mo sa loob ng classroom. Kaya kung faculty ka, hindi mo alam kung sino iyong mga estudyante mo. Kung may sasabihin ka na on the basis of academic freedom, hindi ka sure kung magtuturo ka pa din noong araw na iyon o mawawala ka na. And the same thing [sa] mga estudyante. Kung magkocomment ka, hindi ka rin sure kung anong gagawin ng isang kaklase mo. Na baka may sabihin sa iyo o magre-report siya and then mawawala ka na lang bigla without any official leave of absence from school kasi kukunin ka na lang bigla-bigla. Kaya nakakatakot iyong panahon na iyon. And ang sabi nga nila, iyong mga natatakot, lalo mong hahangaan kasi kahit natatakot sila, lumalaban pa rin. May mga ganoong mga estudyante. Kaya iyong ganoong konteksto—ito yata iyong gustong sabihin ni Ka Roger—sana huwag nating kakalimutan na directly involved ang UP. Hindi lang UP Diliman kung hindi iba pang constituent universities.

Iyong memorialization maganda iyon kasi tumatanda na rin iyong mga estudyante na naging lider noong araw. O kaya kahit iyong mga bystanders. Alam ninyo ba na hindi lahat ng human rights victims are activists? Maraming nadamay o kaya maraming tumulong na nadamay. Parang yata iyong nangyari kina Sherlyn [Cadapan],<sup>5</sup> may mga magsasaka na tumulong pero not necessarily na involved siya. At kahit na involved, hindi masama maging involved. Kahit na aktibista, hindi masama maging aktibista. Tama

Mga mag-aaral ng UP Diliman sina Sherlyn Cadapan at Karen Empeño na magkasamang dinukot ng mga hinihinalang militar sa Hagonoy, Bulacan noong 26 Hunyo 2006. Sa araw na ginanap ang forum, hindi pa rin sila natatagpuan.

iyong sinabi ni Ka Roger: masama maging corrupt. And yet, iyon pa ang hinahangaan natin ngayon. Nagpo-photo-photo op pa sa mga VIPs. Parang may-K na mag-photo op, ano? Kaya tama lang iyong sinabi rin ni Ka Roger para akong fan ni Ka Roger dito, puro tama iyong sinabi niya. Natutuwa si Ka Fe. Tama iyong sinabi niya na iyong mga human rights victims, hindi iyong pera iyong hangad. Pero sa palagay ko, alam nila na itong mga corrupt at itong mga nais ng concentrated power o dictatorship, nasasaktan sila kapag nababawasan iyong kinurakot nila na pera. Hindi ba, nasasaktan sila? Parang iyong Napoles pork barrel scam. Siyempre kailangan nating mabawi iyong mga nakuha noong mga na-charge na mga public officials na elected, hindi ba? So, masakit iyon sa mga corrupt. So, I think isang paraan iyon para maka-get back iyong mga human rights victims. Iyong pera mas maganda kung mapupunta sa bayan, bilang bahagi ng bayan, masaktan din nila. Naalala ko noon, noong US bases campaign, sabi ni Dr. Dodong Nemenzo: "Kung hindi matanggal iyong US bases, kahit man lang mapingot natin iyong tenga ng mga gustong mag-retain." Enough na protest na iyon, iyong ganoon. Ito naman, I think parang protest din ng mga human rights victims, nasasaktan iyong mga diktador, iyong mga corrupt kapag nakukuha iyong kinurakot nila mula sa kanila. Sa palagay ko malaking bagay iyon na dapat makita natin. Pero iyong pinakamatindi talaga ay recognition at hindi iyong pera talaga ang pinakaimportante. Although ang dami-daming human rights victims na napakahirap na tao. Imagine ninyo ano, kung human rights victim ka at ikaw ay magsasaka, ano iyong power mo? Kaya kung hindi ka nare-recognize, mabigat iyon. Kaya mayroon akong tanong sa tatlo nating speakers—si Fe Buenaventura-Mangahas, si Attv. Rod Domingo, at saka si commissioner or representative ng CHR, si Ma'am Karen Gomez-Dumpit. Ang tanong po ay ganito kina Buenaventura-Mangahas and Atty. Rod [Domingo]: Totoo po bang may dalawang [uri] ng mga human rights victims? Iyong mga na-compensate sa private claim at iyong hindi po nacompensate? At ano po ang ginagawa sa kasalukuyan para maresolba iyong issue na iyon? Kasi ang nangyari po ay may na-recognize, may naka-receive ng compensation—ito po iyong kina Atty. Rod Domingo and Atty. Robert Swift, tama po, hindi ba?—and then may mga iba na nandoon sa about 10,000 human rights victims na wala sila po doon sa compensation. And then ang tanong naman po sa kay Ma'am Karen Gomez-Dumpit: Ang ginawa po nina Atty. Robert Swift at Atty. Rod Domingo ay across the board, hindi ba po? So, nire-recognize na human rights victims pero across the board ang compensation. So ang nakuha yata noong unang batch noong unang pagbibigay ay PHP 40,000. Ngayon po, nakasulat po sa PowerPoint [presentation] ay kailangan pong i-prove ng human rights

victims sa CHR iyong intensity ng torture or kung disappeared, etc. So ibig sabihin po, hindi ninyo gagamitin iyong formula na recognition and then compensation across the board na ginawa sa private claim? So, kailangan po na mayroon pang detalyadong testimonies. And then tama po ba na kailangan ipapakita, i-prove iyong talagang nangyari doon sa human rights victims iyong mga nangyari na iyon?

**DOMINGO**: Ang atin pong litigation sa US, particularly sa Hawaii, ay kumikilala sa 9,539. Iyon po ay miyembro ng class as distinguished from those who were qualified in the number of 7,526. Noon pong nagkakaroon ng litigasyon ay nagtakda po ang mga judge natin sa US, sa Honolulu, na si Judge Manuel Real, na magfile ng dalawang claims sapagkat nagkaroon po tayo ng konting pagtatalo sa kung sino talaga ang mga dapat bigyan ng compensation. Kaya nagutos po ang husgado na magfile ng claim for two instances. Both must be filed. Ang hindi po nakapag-file ay hindi makuqualify. At sa lahat po ng class suit litigation, gusto ko lang pong ibahagi sa inyo ang impormasyon na hindi lahat ay nabibigyan sapagkat hindi po natin kilala ang mga biktima. Sila po ang nagbo-volunteer na magpa-file at magpapadala ng kanilang application at form. Iyan po ay ginawa natin in two instances. Iyong iba nakapagfile noong una. Iyong iba noong pangalawa lang. Ngunit ang utos po ng husgado, kapag hindi ka nag-file ng two times sapagkat iyong iba ngang claimants namatay ang biktima, nag-file iyong magulang, nag-file iyong asawa, nag-file iyong anak, sa isang tao lamang; kaya ang limit po natin ay ating inalis, iyong mga multiple claimants sa isang biktima lamang. At iyan po ang nagkaroon ng 7,526 lamang ang qualified. Ngayon po, iyong 9,539 ay miyembro po ng class [suit]. Kaya lahat po sila ay sinusulatan. Ngunit ito pong huling bigayan ng maliit na USD 1,000, lahat po diyan na nakasama lamang sa 7,526 ang tatanggap ng compensation. Ngayon, liliwanagin ko po, ayon sa bagong batas na pinirmahan noong Pebrero ng taon na ito, ang ibinibigay pong benepisyo diyan is by point system. At lahat po ng hindi nakapag-file, hindi nag-qualify doon sa Hawaii, ay puwedeng mag-file na ngayon. At iyan po ay kasalukuyang binabalangkas ba ang IRR pagkatapos ma-appoint ang mga members ng Compensation Board. Iyan po ang ating hinihintay ngayon. [D]ito po ay maaaring dalawang beses kayo na kumuha ng compensation. Iyon po iyong nililiwanag ko. Iba po iyong sa Hawaii, iba iyong dito. So, wala pong conflict iyan. Dalawang beses kayong makakakuha.

Ngayon po liliwanagin ko rin sa inyo iyong atin pong almost USD 2 billion na award sa US ay halos hindi nababawasan sapagkat ang atin pong na-recover sa ngayon ay mga about USD 21 million pa lang. Mahigit USD

1 million iyong sinabi ko sa inyo kanina sa Mercedes Benz at sa bahay na ginamit ni Imelda at Ferdinand Marcos sa Hawaii. At ang dalawa pong nakuha nating kompensasyon na USD 10 million at isa pang USD 10 million na atin pong ipamamahagi. Magkakaroon po tayo ng hearing sa October 10 sa Hawaii para pakinggan ng judge ang lahat ng inyong comments, bumapayag ba kayo o hindi kayo bumapayag. Tayo bo ay may due process. Kaya lahat po ng victims ay sinulatan. Naipadala ko na po lahat sa inyo at kung mayroon po kayong tanong, magkakaroon po tayo ng pagkakataon na sabihin ang inyong saloobin. At nililiwanag ko po, maaaring two or three times. Ngayon po baka magkaroon na naman tayo kung sakali sa pagkatapos ng second USD 10 million, pinu-pursue po namin ang ating mga ibang asunto pa sa New York, mayroon tayong nasa Singapore, meron tayong Arelma case, marami po ito. At sa darating na araw, sana sa isang taon, magkaroon na naman tayo hindi lang USD 10 million. Maaaring mahigit pa. Kaya patuloy po iyan. Walang katapusan. Mauuna siguro tayong mamamatay na lahat bago makuha ang kabuuang USD 2 billion. Ngayon, lahat po kayo na qualified may tatanggapin kayong sulat. Ang atin pong bigayan, kung aaprubahan ninyo iyong settlement ay magsisimula po siguro by January sa isang taon. Sapagkat meron po tayong proseso at bawat isang biktima ay tinatanong ang kanyang opinyon. Iyon po ang tinatawag nating due process. Sapagkat napakarami po niyan. Pero bawat isang biktima tatanungin natin ang kanyang opinyon kung pumapayag siya o hindi. Kaya kung meron kayong tutol, pagdating ng October 10, magpadala kayo ng sulat. Magbadala kayo ng ebidensiya kung hindi kayo pumapayag. Kung pumapayag naman kayo, huwag na kayong sumulat. Kung mayroon lang kayong objection at saka lang ninyo kailangang ipahayag sa Honolulu. Puwede ninyo pong ipadala sa akin, pero iyong itinatakda ng husgado kung mayroon kayong written objection, ideretso ninyo po sa husgado sa Honolulu, Hawaii.

BUENAVENTURA-MANGAHAS: Para sa mga hindi nakasama, sa aking alaala . . . ay may mga biktima na hindi naniniwala na maipapanalo iyong kaso, hindi interesado, at noong nagbibigay na ang korte ng mga technical requirements, hindi sila tumutugon. Kaya noong dumating naman iyong USD 1,000 at saka sila naghahabol. Parang iyon iyong nakita ko sa mga ilang na-exclude. Kaya hindi naman nagkulang ang mga abogado kung hindi talagang ganoon ang proseso. May mga papers na isusumite. May mga requirements. At kung malalayo iyong iba, hindi nakakarating. Isa ring dahilan iyon. Maramirami rin iyong talagang ayaw sa . . . negotiated deal, maliit, hindi talaga compensatory, mga ganoon, at saka iyong iba ang talagang gusto ay criminal prosecution—iyon iyong mga unang pagpa-file ng

kaso (basahin ang appendix 2.9, 419-24, para sa isang halimbawa ng kasong kriminal na isinampa ng mga biktima ng batas militar). Kaya maraming mga ganyan na naninindigan talaga, na talaga namang hindi nangyayari dahil kailangan mo ng isang revolutionary government para maparusahan talaga iyong perpetrators, na wala naman tayo. Kaya civil case. Hindi kayang maka-prosecute ng isang criminal case. At maraming ganoon sa isang grupo ng mga biktima na naninindigan hanggang ngayon sa ganyan. Pero ngayon dumarating naman iyong paunti-unti na talagang nakaka-relieve din naman dahil talagang maraming mga mahihirap, mga maysakit, matatanda na nangangailangan talaga, na tinatanggap na rin sapagkat ang pag-pursue ng legal cases ay napakatagal, magastos, at wala namang pera ang mga biktima. Kaya pinasasalamatan na rin namin ang mga efforts ng mga counsel tulad ni Attorney Domingo. So iyon ang sagot ko sa mga nawalang hindi nakasama.

FABROS: Opo, marami pong salamat. Totoo naman pong historic iyong ginawa nina Atty. Robert Swift, Atty. Rod Domingo at sino pa po iyong isang attorney na namatay na?

BUENAVENTURA-MANGAHAS: Jose Mari Velez.

FABROS: Oo si Jose Mari Velez. Mayroon pa bang isa?

**BUENAVENTURA-MANGAHAS**: Si Atty. Ruben Fruto. Si Atty. Rene Saguisag.

FABROS: Kasi iyong namatay na isa pa na may kinalaman sa labor, hindi ba may isa pang lawyer? Maganda rin itong bahagi ng memorialization na ma-recognize iyong mga tumulong. Kaya lang may mga nagsasabi rin na may mga technicalities din like for example Atty. Rod [Domingo], kung lumipat na ng bahay kasi sabi ninyo nagsi-send kayo ng letters tapos wala na doon iyong mga mahihirap na human rights victim. Alam na natin na walang tirahan na permanent ang mahihirap. So, paano na ngayon po? Hindi po ba sila kasama doon sa qualified na papadalhan ng sulat? Kasi very technical ano? Kapag mahirap ka, wala kang permanenteng bahay, lumilipatlipat. Paano po iyong kaso nila?

DOMINGO: Mayroon po tayong listahan. Kahit na lumipat kayo ng tirahan. Iyon pong iba binayaran na natin noong unang bigayan natin ng USD 1,000 sa US. Diretso po na binayaran ni Robert Swift iyan. Iyong mga

dito po na lumipat naman ng tirahan, mayroon po tayong listahan. Hindi lang natin puwedeng ipamahagi at baka makuha ng mga ating inihabla magkaroon pa ng retaliation for security reasons. Pero lahat po ng tseke ay nandoon na, ipadadala po dito ni Robert Swift at personal niyang ipamimigay sa mga karapat-dapat na magkaroon. Kung lumipat man kayo ng tirahan, matatanggap pa rin ninyo kapag nandoon ang pangalan ninyo. Ang amin lang sinasabi, kung lumipat kayo at nag-iba kayo ng address, isulat ninyo po sa amin. Ang address po ay nakalagay doon sa notice. Isulat ninyo or i-email ninyo or isulat, huwag lang sa cell phone sapagkat kung minsan po, wala tayong katunayan ng tunay na address ninyo ngayon. Pero ibigay po ninyo sa akin at ipadadala natin sa inyo at personal na makukuha ninyo ang inyong tseke.

**FABROS**: So, sa madaling salita po ay kung lumipat po sila, ang presumption po ay dapat iyong two claims ay finorward nila.

#### BUENAVENTURA-MANGAHAS: Yes.

FABROS: Pero kapag hindi nila finorward, so hindi sila-

DOMINGO: E di hindi namin malalaman kung nasaan sila.

FABROS: So kailangan iyong dalawang-

DOMINGO: Tutal ito naman malalagay sa mga diyaryo natin, sa TV, sa radyo na magbibigay ng compensation. Puwede po ninyong tanungin, kung hindi sa akin, tanungin ninyo dito o mas mabuti sa Commission on Human Rights, at ibigay ninyo ang inyong address. Sapagkat iyan po ay magkocomplement din kapag nag-file naman kayo ng panibagong claim ayon sa bagong batas natin.

FABROS: So, kapag sinabi ninyo pong complement, nangangahulugan po na ire-recognize din ng private claim iyong CHR na roster na nakita nila na qualified?

**DOMINGO:** Ayon sa batas po, lahat ng 9,539 na mayroong conclusive presumption na kayo ay biktima at tatanggap po kayo ng compensation. It will just depend on the severity of the injury that you suffered. Iyon po ang mayroon point system. Iyon po ang ide-determine ng Compensation Board.

**FABROS:** *Pero iyong* formula *po ninyo* with Atty. Robert Swift *ay walang* point system, *hindi ba po?* 

**DOMINGO:** Wala po. Sa amin po ay kung ano ang ibibigay sa isa, iyon din [sa] lahat sapagkat matatagalan po tayo. Baka another ten years na naman, twenty years. Iyon po ang aming katuwiran at saka wala pong kakayahan, hindi katulad dito sa atin sapagkat nandito po tayo lahat sa Pilipinas. E iyon po nasa [United] States mahirap nang ipatupad nila iyon. Kaya ang ginawa ng judge, pare-pareho na lang. Across-the-board ang tawag po natin. So pare-pareho sila ng matatanggap.

**FABROS**: Ang sa CHR po, hindi po ba mahirap na gawin din iyong sa point system?

DOMINGO: Iyan po ang nasa batas e.

FABROS: So, hindi na po mababago talaga iyon?

**DOMINGO**: Hindi na po natin puwedeng baguhin iyon unless aamyendahan natin ang batas.

FABROS: Bakit po kaya Ma'am Karen [Gomez-Dumpit] ginawa iyon ng mga mambabatas na kailangan ina-narrate pa point per point, detail per detail, and then lahat itong mga kailangan pang mga ebidensiya, etc.?

GOMEZ-DUMPIT: Actually po, noong binabalangkas itong batas na ito, kaya nagkaroon din ng point system, kasi you have to recognize those who suffered more. So, I am sure you will agree with me, as opposed to someone who was just incarcerated and was delivered in jail pero as opposed to another one who was jailed but also tortured while in detention, talagang dapat kilalanin iyong kahirapan na nadanas niya.

**FABROS**: So, napakahalaga po na marunong magsulat iyong human rights victim?

GOMEZ-DUMPIT: Ay, hindi po. Ang tema po ng batas kasi, hindi na po palawigin iyong pagpapahirap sa biktima. Mayroon pong itatalaga ang Compensation Board—hindi po ang CHR nililiwanag ko lang po ano, ang CHR po ay katulong lamang po dito. Kami po iyong tumulong para maipatupad po iyong batas pero po ang Compensation Board ang

magtatalaga, sila po ang magbibigay, sila po ang mag-a-analyze lahat ng applications. Kaya po ang abiso namin sa mga magke-claim dito o mag-aapply ideretso ninyo na po sa Compensation Board. Ngayon kung mahihirapan po kayo puwede po sa amin pero ire-refer lang din po namin sa Compensation Board, once it is formed. At hindi pa po kasi natin alam kung iyong board na iyon hihingan kami ng tulong just like the counsels in the private claim asked us for help regarding iyong mga satellite offices siguro na puwede nilang itayo. Baka iyon puwede kaming makatulong pero depende po iyon sa sasabihin po ng Compensation Board. Kasi po under the law, wala po kaming mandato sa batas ukol doon sa kompensasyon kasi may itinalaga na na body na magtataguyod nito. But let me just say that in chapter 3 of RA 10368-iyon po iyong sinasabi ni Attorney Domingo-ito po iyong isa sa mga provisions na nagsasabing huwag nang pahirapan iyong mga biktima. So, ito po iyong conclusive presumption that one is a human rights violations victim under this act. It says na kapag kasama po kayo doon sa class suit and direct action plaintiff kayo doon sa litigation sa Hawaii, mayroon nang conclusive presumption na HRVV [human rights violation victiml kayo. So, kumbaga po, it shortens the process of application. In fact, one of the things, one of the first orders of the Compensation Board is to ask the Federal District Court of Hawaii, kay Judge Real, [na] humingi ng listahan. Iyon po iyong isa sa mga first orders of business of the Compensation Board. Aside from that po, sinasabi rin po dito na may motu propio recognition lamang po.

FABROS: Ano po ang ibig sabihin noon?

GOMEZ-DUMPIT: *Ibig sabihin*, on its own, the board can actually recognize, take judicial notice on its own of individual persons who suffered human rights violations as defined in this act and grant recognition—not compensation—recognition that they are human rights violation victims at i-include sila doon sa roll of victims para naman ito sa history books. Kasi, marami din pong naniniwala, katulad nga po ng sinabi ni Ma'am Fe [Buenaventura-Mangahas], mayroon pa rin pong biktima na ayaw nila ng compensation. Ang gusto nila recognition. Gusto makilala iyong paghihirap nila. So, maaari pong mag-apply sila para sa recognition lamang po. Or puwede ring on its own ang board, puwedeng sabihin na person A is a human rights violation victim, ayaw lang niyang mag-claim ng compensation. *Ide*-declare po siya na human rights violation victim.

Doon sa point system, hindi po across-the-board as Atty. Rod [Domingo] has said. Depende po iyon sa severity katulad nga po noong sinabi. Victims who died or disappeared or still missing shall be given ten points. This is the broad stroke of what the compensation rules should be. Ito iyong ginawang guidance ng Kongreso. Victims who were tortured or raped, sexually abused shall be given six to nine points. Depende po. Victims who were detained shall be given three to five points. Victims whose rights were violated under this act—iyong sinabi ko po na nakulong lamang, na-forced into exile, etc., or analogous circumstance—shall be given one to two points. So, doon po mangyayari iyon. Ini-explain na rin po ito sa akin noong kasama po natin sa Komisyon ng Karapatang Pantao, si Atty. Byron Bucar, noong umuupo kami sa technical working group at saka sa hearings noong binabalangkas ang batas na ito.

Ang mangyayari po niyan sa proseso, there will be a period, kasi po tandaan po natin may sunset clause po itong batas na ito. The Compensation Board will not be there forever. The law states that it is only two years with a renewal of another year, so at most three years iyan unless the law is changed. Pero tingnan po natin siya na kung dalawang taon lamang po ang mayroon ang Board of Compensation, there will be a period na magaaccept sila ng application, isasara po iyon para ma-process po iyon, and probably by the end of another six months, or maybe at the end of six months prior to the two-year end of this law, doon magbibigay ng distribution. So, marami pong phases po ito. Mayroong application, mayroong analysis or processing, mayroong distribution, when it comes to compensation. Apart pa iyan doon sa nonmonetary compensation na magtataguyod ng programa ang iba't ibang ahensya ng gobyerno para, let us say sa psychological rehabilitation, jobs capacity building, etc. So iyon po iyong ating tinitingnan po kaya kailangan po matulungan din po ang Compensation Board with respect to that.

And then Atty. Byron Bucar was saying that the reason why it takes this way—sabi ko, "Bakit hindi na lang magkaroon ng presyo?"—kasi meron tayong budget. Ang binigay sa atin PHP 10 billion. Mayroon kang operational cost na hindi lalagpas ng PHP 50 million a year na aayon sa batas. So, ima-minus mo iyon. Let us say [PHP] 50 [million] times three [years] na lang, PHP 150 million. Iyong natitirang resulta noon, iipunin muna. So, kaya may application phase kasi maraming nagsasabing sampung libo ang biktima, maraming nagsasabing singkuwenta mil. So, after that application phase, ang nakikita po namin is that doon matitingnan kung how many—if one point is equivalent to how many—how much

compensation, because there is a budget. Hindi naman po iyan parang mahabang pocket o mahabang bulsa na kahit anong dukot mo, mawawala din po iyan kasi nakalaan nga iyong exact amount. So, somewhat we will know for sure in the implementing rules and regulations. But what we are trying to say right now as the law is read, you will know that there are three phases, at least to that monetary compensation avenue—applications, processing, and then the distribution. After that, of course, parallel diyan iyong memorialization. Parallel din diyan iyong history writing. Parallel din diyan iyong programa ng gobyemo for rehabilitation and other nonmonetary compensations.

FABROS: Sa buong daigdig po ba ang modelo na ganito ay sa atin lang o may pinagkopyahan po ba tayo na modelo?

GOMEZ-DUMPIT: Doon sa pagbalangkas po noong batas may intervention po ng European countries. Of course, the Swiss government is there. Pero nag-share po iyong Germany sa atin, kung paano nila ginawa iyong compensation for the Stasi police.

FABROS: Iyong mga Jewish? 6

GOMEZ-DUMPIT: Oo. So, ang sinasabi po nila, iyong model po nila hanggang ngayon mayroon pa pong Compensation Board sa kanila. Kasi po proving the claims is really a long process for them. So iyon po iyong model na kanila. Pero iyong model po natin talagang may sunset clause po. Let me just add that one of the provisions here, ang nakasabi lang po dito, detailed affidavit. At puwede po silang mag-attach ng iba-iba pa pong ebidensya kung mayroon po sila para ma-bolster iyong claim nila. Pero po iyong tema na hindi na po pahihirapan, nandoon po iyon kaya nilagay na lang fully detailed affidavit. And of course, the veracity of that will be [determined] during the time na they will process the claims.

**FABROS**: So, ang huling tanong lang po. Ang termino po sa human rights victims ay victim. Ito ba ay short of calling them na bayani? Ganoon po

<sup>6.</sup> Nagkalituhan sa puntong ito ng malayang talakayan. Ang tinutukoy dito ay ang mga Aleman na nabiktima ng Staatssicherheitsdienst o ng State Security Service ng East Germany noong kasagsagan ng Cold War at noong hati pa ang Germany sa dalawang bansa.

ba ang ibig sabihin noon? Lalo na iyong mga napatay at iyong nagdisappear? Puwedeng possible kaya iyon, sort of calling them bayani?

GOMEZ-DUMPIT: In the statement of declaration of policy [of RA10368], it says there that it recognizes the suffering. So they are really heroes. To us they are heroes. If you read between the lines, they are heroes. So it is just that, of course, they were victimized first, but let me just share with you what Chair Etta [Rosales] said when this law was signed on February 25 this year. Sabi niya: "I come to you as a survivor of human rights [violations], these are my credentials." So, they are not only victims. More than that they are survivors. And to us, sa ating kabataan siguro dapat sabihin nating bayani sila kasi iyong natatamasa nating demokrasya utang din natin sa kanila.

**FABROS:** So magandang tandaan talaga natin iyong mga human rights survivors. Marami pong salamat.

NATHANIEL CANDELARIA: Sa punto naman po siguro ng mga estudyanteng katulad ko, ano po bang masasabi ninyo—kasi po hindi ba dahil ipinanganak po kami after noong nangyari po iyong martial law and masuwerte na rin po siguro kami na ipinanganak po democratic na po iyong bansa natin supposedly, I think-sa advent na rin po ng social media sa panahon po natin ngayon, ano pong masasabi ninyo doon sa mga nangyayaring sabihin po nating historical revisionism? Nakikita po natin na may nagpopost na during the time of President Marcos, ganito po, ganoon. Noong panahon po ni Marcos maganda po daw ang Pilipinas. And ano po ba iyong ginagawang hakbang ng mga akademiko pati na rin po ng mga ibang mga speakers po ukol po doon sa nangyayaring ganoong scenario or phenomenon when it comes to social media? Ano po ba sa tingin ninyo po iyong nangyayaring pagbabalik sa kapangyarihan ng mga Marcos sa national and local politics? May sinasabi po ba ito ukol sa kultura nating mga Filipino or is it something about the structure within the system kung bakit po nangyayari ang mga ganito ngayon?

MENDOZA: Maraming salamat sa tanong mo. Iyong tinatanong mo ay talagang ramdam na ramdam ko. Ako po ay nagtuturo ng Philippine history at kasama dito iyong period of martial law. Dati kapag itinuro madaling maintindihan, pero isa talagang malaking hamon iyong magturo ng martial law lalo na doon sa hindi nakaranas ng martial law. At katulad mo, parang ako rin ay nagugulumihanan. Na minsan tatanungin ka ng mga estudyante:

"Wala bang nagawang mabuti si Marcos?" O ibig sabihin, katulad niyan, maraming mga lumalabas na revisionism. Kaya parang-ilang siguro sagot o parang kuro-kuro lang. Isa dito iyong ano, palagay ko may problema sa pagtuturo ng kasaysayan. Unanguna, sa pakiwari ko lang, kailangan talagang balikan, noong panahon ng high school, lalo noong elementary, nademonize nang husto iyong individual, iyong mga Marcoses . . . Parang ang sa tingin ko iyong dapat na nade-demonize ay iyong sistema ng martial law na bumabalik sa napakaraming paraan . . . Ngayon, tatanggapin ko talaga malaki iyong kasalanan naming mga historyador. Dahil wala ngang shared history. Sa palagay ko dapat magkaroon na. Pero mahirap din kasi it is going to be a very contentious issue. Ngayon, ano iyong ginagawa ng iba, katulad ng marami ngang nagbigay ng kanilang mga oral history o mga groups na tumatanda na. Kaya kung mapapansin mo, iyong kay Ferdinand Llanes (2012), halimbawa iyong SDK [Samahan ng Demokratikong Kabataan]: Militant but Groovy (2008). Maraming grupo na gumagawa niyan. Tapos, iyong isa sa NHCP [National Historical Commission of the Philippines] na kasama ako, nagde-design kami ng research methodology para makuha talaga iyong mga impormasyon hinggil sa course nila sa oral history, artifacts, and then makagawa ng isang museo, hopefully, ano? Sana iyong makatotohanan na matatanggap kahit [ng] mga sabihin nating sumusuporta sa martial law at saka doon sa mga naging biktima ng martial law.

BUENAVENTURA-MANGAHAS: The power of social media, positive and negative iyan, kaya depende sa gumagamit. Ngayon naman sa mga aklat ng kasaysayan, sabi ko nga kay Dr. Rico Jose, wala pang gaanong aklat na basic, hindi ba? Sa elementary, sa highschool at lalo yata ngayon sa kolehiyo, nagdedepende tayo sa mga memoirs, mga biographies na alam naman ninyo [sa] mga sulatin na iyan ay marami ring ego trip diyan, di ba? Kaya wala tayong mapanghahawakan. Kaya itong memorialization na kasama ang curriculum-ang DepEd [Department of Education] sinabi na ni Bro. Armin [Luistro] required ang period ng martial law sa pagtuturo sa ngayon, mula ngayon sa K-12. Kaya abangan natin iyon. Kaya nga lang, gulong gulo pa rin ang DepEd, hindi ba? At saka mawawala na sila in two and a half years. Hindi na naman natin alam kung ano ang mangyayari. Ganito kagulo ang ating bayan at napaka-complex natin. Buti nga meron pang ganitong Third World Studies [Center], akala ko nawala na ito. Kaya nga mabuting meron pang ganitong mga forum at mayroon pa tayong mga estudyanteng interesado at mga guro na gustong subaybayan ito. Ang masasabi ko lang, kailangang-kailangan natin ng mga patriotic [individuals]. Iyong makabayan na mga guro, makabayang aklat, makabayang historyador, makabayang abogado, mga human rights na mga advocates sa mismong

pamahalaan, kami sa historical commission, magkaroon ng shared history. Sa palagay ko ay talagang dapat simulan na iyong shared history na iyan. Bakit? Mas mahina ba tayo sa Africa? Wala ba tayong ibubuga tulad ng Argentina? Hindi naman yata. Talaga lang wala pang nagsisimula pero ito opportune moment. Huwag na nating palampasin.

NADINE PALARCA: Dati po akong estudyante dito sa UP Diliman at naging aktibista po ako noong martial law. Kung ituturing ko bang suwerte, hindi ho ako nakulong kasi mabilis po akong tumakbo. Pero marami sa kasama ko ang nakulong at namatay. Katunayan po iyong boyfriend ko namatay. Ang alam ko, hindi nagke-claim iyong family dahil parang hindi nila alam kung papaano. Tapos parang ang totoo hindi nila nakita iyong bangkay. Nalaman lang na namatay siya noong mayroong isang kaklase na nakakita. Wala silang balita kung ano talaga ang nangyari. Ang isang maganda na ngayon parang iyong pangalan niya malalagay doon sa Bantayog [ng mga Bayani]. Pero after so many years. Ang tanong ko, ano ang basis noong 10,000 names? Saan ninyo ho hinugot iyon? Kasi palagay ko wala iyong pangalan niya doon. Ngayon lang ho, last week lang mailalagay. At isa pa ho, mayroon pa ho akong isa pang tanong kaya rin ho ako nagpunta rito. Iyong isang kasama namin, nakulong ho siya before martial law sa Camp Olivas na kung saan inabot po siya ng dalawang taon, inabot po niya iyong pagma-martial law na. Hindi pa po siya naka-claim kasi ang pangalan niya ay iyong alias. Alias ho ang ginamit na pangalan. Papano ho ngayon iyong pagke-claim niya e napakatanda na niya at marami na siyang sakit? Noong pagkatapos ho noong ano, kumilos ho ulit siya. Na-involved ho siya sa armed group dito sa city. So paano po, underground ho pa rin iyong term na iyon, hindi pa rin siya makalabas. Iyong identity niya, hindi niya mailabas. So papaano po iyong ganoon?

GOMEZ-DUMPIT: Ang minention ko lang po doon sa conclusive presumption, iyong MDL 840 private claim nga ho, iyon e kaya umabot po ng 10,000 kasi po sila po iyong sumanib kasama ng counsels para ihabla po si Marcos sa Hawaii po. So, as far as that list is concerned, sarado na po iyon kasi matagal na ho iyong claim na iyon. Pero po kapag nasa Bantayog po ang pangalan, conclusive presumption na din po iyon. So iyong Bantayog ng mga Bayani Foundation, mayroon din po silang listahan ng kinikilalang human rights victims during martial law. Nandoon po iyon. Kung nandoon iyong pangalan, may conclusive presumption din po.

Thank you po for raising iyong sa mga aliases. Actually po, noong nagdistribute din po ang counsels noon, noong kompensasyon, mayroon din pong mga lumapit na may alias sila. Diyan po importante iyong ibang mga dokumento na puwedeng ibigay, katulad po noon kung alias po nila, ang maibabayo po namin doon sa taong iyon is that puwede po iyong kapwa nila kasama doon sa selda, puwede pong magsabi na ito iyon. He is one and the same person. So that is another affidavit just to support it. I will just give you one example of how we can distinguish the private and ito pong batas. Kasi ito pong batas ngayon, this is an opportunity. Lahat po puwede pong mag-claim basta pumapasok po doon sa reglamento na sinabi na within the time limit, ito iyong mga violations na nasabi. So, if he was incarcerated prior to 21 September 1972, but he lasted more or beyond that, pasok din po siya doon. Kahit wala siya sa Bantayog. Ngayon po ang difference din po noon, maraming pumupunta sa amin na galit na galit. Kasi lima daw po silang nakulong, pero iyong tatlo nabigyan ng kompensasyon doon sa private claim, bakit daw sila hindi? Simple lang po iyong sagot po. Kasi nga po private claim iyon. Kung hindi po sila nag-apply, wala po. Talagang wala po. In the same way that in this law, if you do not apply, if you do not help those whom you know are victims and do not have the means to apply, hindi po mangyayari po iyon. Kasi nag-uumpisa rin po iyong responsibilidad sa atin para mag-claim po pero tulungan din po natin iyong hindi, iyong unempowered to claim, iyong mga illiterate. Iyan iyong mga talagang makikita ninyo naman po hindi po talaga nakapag-aral so hindi nila maiintindihan po ito. Tulungan po natin sila. Doon po nagiging maganda iyong pagtulong ng mga organisasyon-Claimants 1081, SELDA, etc.

Pero i-warn din natin iyong mga iba na huwag po tayong maningil kapag tumutulong tayo. Kasi iyong mga iba ho nanggogoyo talaga. Magpapalista lang ng pangalan, [may bayad na] PHP 200, PHP 20, iyong mga ganoon po. So, magtulungan po tayo with social media, I would like to address the young people here na please spread the news. Because kailangang malaman ng lahat ng tao na mayroong batas na ganito. Of course iyong mga mahihirap hindi po iyan maa-access so ibang form ng media din naman ang kailangan diyan. And that is where organizations come in, [where] student actions come in. Kailangan po nating mapalaganap kasi kakaunti lang po iyong window na puwede po tayong mag-apply under this law right now as it stands. So let us help everybody.

KALAHOK: Hindi ako ni minsan naging detainee. Hindi ako nagdisappear. Hindi ako na-torture. Pero sa mga kabataan, just to put in context, iyong martial law. [Now] you are never coerced to vote for anyone. And you value the freedom [that] you can vote. But put yourself in the context of having to ratify a constitution—the 1973 Constitution. Inipon kayo sa plaza, estudyante kayo, at mayroon isang tao sa entablado tinatanong, "Sino ang gusto ng bagong paaralan?" "Feeding program, sinong gusto? Itaas ang kamay." "Sino ang gusto ng bagong kalsada?" "Sino ang lalaban diyan? Itaas ang kamay!" Sabay tawag ng photographer. The next day, you find your face in the Manila Bulletin saying that the people have overwhelmingly ratified the Constitution. The question was never posed to us. Iyon iyong sinasabi ni Ma'am Karen [Gomez-Dumpit more than being tortured, raped, it is the possibility that your political and civil rights are violated that makes you a detainee or a desaparecido, or a torture victim. The moment you allow your civil and political rights to be violated for the first time in a very fundamental way, all other violations are possible. All other violations become so easy. Because it is so easy for dictators to think that they do not even have to use force or the power of the gang except to control the way you decide, the way you choose who you will put in power. And these are the very common abuses during that time. And they do not have to rape you, they already did!

Another thing that I would like to point out, I am not trying to claim credit for this, but I am very glad to see this law in place because I was part of the process. Para maintindihan ng mga kabataan kung bakit nagkakaroon ng clashes of viewpoints tungkol dito sa compensation claim na ito. Importanteng isipin: magkano lang ang inilaan sa batas? PHP 10 billion.

But the important thing is, it is not so much how much each victim is supposed to get. Yes, let me say this . . . I was part of the crafting. Because I was with PCGG and I was the one tasked by Haydee Yorac to shepherd this bill through Congress. So, yes, I was part of the committee . . . Nahirapan kami kasi there were two sides. The Yorac Bill was purely to address the need to have a local law, alright? Bago maimplement ang judgment sa Hawaii. Back track tayo. Ano ang nasa batas? EO 1 says all recover[ed] Marcos assets shall go to agrarian reform. Walang nakasaad doon that even 1 percent of that should go to the human rights victims, in form of compensation. So, when the Hawaii court said, "Okay fine, Philippine government, you are saying that these victims of the class suit are not entitled to benefits, because what you are saving is this money belongs to the people of the Philippines not only for the victims. And you are saving that all the recovered Marcos's assets should go to CARP. Therefore, you go back and pass the law which says that as an exception to the CARP, part of recovered Marcos assets shall go to the compensation of the human rights victims under martial law." Kaya iyong unang draft noong bill had to be crafted by the Philippine government through the PCGG authored by Haydee Yorac. Alright? Anong nakalagay doon? Ni-recognize doon iyong victims ng martial law na nag-claim. Hindi lahat ng victims nakalagay doon. Kasi sa totoo, this is [a] civil suit, this is a private suit. So, kung sino lang ang naghabla, siya lang ang dapat makakakuha. Iyon iyong point dito na kailangang lumabas. Hindi naman sinasabing hindi kayo na-violate o hindi kayo qualified pero dahil ito ay class suit, kung hindi ka sumali doon o kung hindi ka naisali doon, or you did not care to join the class suit, it will be difficult for you to claim compensation.

Our difficulty in Congress at the time was there were two schools of thought. One was rather hard line because it said, hindi, there should be no compromise kung sino lang ang nag-sue sa Hawaii siya lang-I mean hindi lang nag-sue-kung sino lang ang mga biktima during martial law are the ones entitled to compensation. But realistically we have to recognize that if we did not go for a compromise we could never get the law off Congress. Alright? Kasi mayroong mga congressman na nagsasabi bakit martial law victims lang ang kailangan i-recognize, hindi ba totoong may violations of human rights during [Diosdado] Macapagal, during [Carlos] Garcia, especially noong time ni Cory [Aquino]-iyong mga ganoon. Nandoon iyong argument. Sinong mga nag-a-argue? Mga pro-Marcos allies sa totoo lang. These were the congressmen who said why only run after Marcos and compensate his victims while violations of human rights were also committed not only by presidents before him but even by Cory [Aguino] who came after him. Or for that matter it is possible that even during Gloria's [Macapagal-Arroyo] time. Or even up to this time. So, as a matter of strategy or tactic, we have to choose how far we can compromise and make this law generic enough to accommodate the needs, the recognition for the human rights violation under the martial law, as well as past and future violations. Ang result ngayon ay ang batas na ito. It had to be a compromise, otherwise, hindi namin mailalabas ito sa Kongreso.

What is important right now is while I personally recognize and I am grateful for the efforts of Cong. [Kit] Belmonte, I think, if I may propose this to the body and to the students, *lalo na sa* social media, *iyong nag-ask kanina*. The social media is a very powerful tool right now. I have been in [the] congressional lobby for quite some time, human rights, migrants, good governance and I know how it works. So, my proposal is unlike before *na mag ipon-ipon*, *puntang* Luneta, commute-commute *babunta kung saan-saan*. You, together with others, with the

common message and a single target can effect change. So what do we propose? We could strengthen the House resolution proposal on the floor. Pero, we have only four congressmen to support it. But we recognize that under this law, the person who is primarily tasked to form the Compensation Board which we put in the law is the Office of the President. So who is your the target? Is it the Congress? No. It is the president. This law says that the Compensation Board composed of three divisions, shall be constituted within this period and the IRR must be proffered within this period and its work must be finished within this period because it is finite. That is why you say it has a sunset provision. Because as soon as all the claims has been satisfied and that money is gone, the law ceases to exist. That is what it means, sunset provision. The time, it is either you respect the finiteness of the amount which is PHP 10 billion or the time that ticks for so long as this board is not constituted. The longer the board is not constituted, before you know it, patay na ang batas, wala pang natapos. Sinong target? You can support the House resolution. Single message: Mr. President, the law was signed by you in February, constitute the board now. Because there are two options, if we let the time run before you constitute the board, kung susundin natin ang time frame ng batas, hindi mo pa nabubuo ang board, patay na ang batas. Better constitute the board now [so it can] do its job and frame the IRR, umpisahan na ang trabaho at ubusin na ang perang iyan. Bago matapos ang termino mo at bumalik si Gloria o si Bongbong at i-withdraw ivan sa PNB at i-distribute sa fertilizer funds. That is what I encourage you to do. Support that using the social media in addressing the president.

FRAGO: Maraming salamat po sa inyong comments, makabuluhang suggestions. Sa puntong ito . . . maaari na nating bigyan ng sintesis ang programa bago tayo magpasalamat sa mga tagapagsalita.

Sa forum na ito ay napag-alaman natin na ang compensation ay isa sa mga pangakong hindi dapat mabaon sa limot. Ibinahagi ang makasaysayang kaso laban sa estate ng dating pangulong Marcos at napag-alaman din natin na ang mga biktima ay hindi naghabla dahil lamang sa pera. Ang kumpensasyon ay hindi lamang pera. "It was never about the money," wika nga ni Mrs. Fe Buenaventura-Mangahas. Ang pangako ng compensation ay pangako ng pagkilala sa mga sakripisyo at paghihirap na dinanas ng mga biktima sa marahas na kamay ng diktadurang rehimeng Marcos. Ang nakakalungkot ay tuloy pa rin—sa kabila ng Anti-Torture Law ng 2009—sabi nga ni Ms. Rita Melecio, marami pa ring kaso ng paglabag sa karapatang pantao ang

dokumentado. History repeats itself. It is bound to sound like a broken record unless we learn our lesson. Kailangan na nga ng historical closure. Ang tanong ay kung paano gagawin ito. Truth, justice, and compensation—mahalagang lesson mula sa forum. Ang mas malaking katanungan ay kung paano tutuldukan ang paglabag sa karapatang pantao? Kailan gagawin ito? At ang sagot nga, sa open forum nakuha natin, the time is now. Sabi din kanina ni Dr. Meynardo Mendoza, "Full satisfaction cannot be attained. It is a personal choice but we have to remember that the aggressors will always want to forget while the victims will always want to remember." This is a call for all of us. To our students, to take [the] time to know your history, to reflect on the remnants of the martial law years and a call for all of us, never to forget what happened.

#### Mga Sanggunian

- Llanes, Ferdinand C., ed. 2012. Tibak Rising: Activism in the Days of Martial Law. Mandaluyong City: Anvil Publishing, Inc.
- Mendoza, Meynardo P. 2010. "The Marcos Human Rights Victims: The Struggle for Justice and Reparations, 1986–1999." PhD diss., University of the Philippines.
- —... 2013. "Is Closure Still Possible for the Marcos Human Rights Victims?" Social Transformations 1 (1): 115–37.
- Santos, Soliman Jr., M., and Paz Verdades M. Santos, eds. 2008. SDK: Militant but Groovy; Stories of Samahang Demokratiko ng Kabataan. Pasig City: Anvil Publishing, Inc.
- SELDA (Samahan ng Ex-Detainees Laban sa Detensyon at Aresto). 2013. Chronology of Events Related to the Human Rights Class Action Suit Against Marcos (1985–2013). Edited by Josephine Dongail. Quezon City: SELDA.
- Spielberg, Steven, dir. 1997. Amistad. United States: DreamWorks SKG in association with Home Box Office. Film, 154 min.

FORUM 2 RAPPORTEUR'S REPORT 119

Appropriating Funds therefore and for Other Purposes," which was signed by then president Benigno Simeon Aquino III in February 2013. While acknowledging that this was indeed an important development to further the cause of compensating the human rights victims, Domingo nevertheless expressed his concern on the failure of the Aquino administration to immediately constitute the human rights violations victims claims board, which is tasked to create the implementing rules and regulations. While Domingo acted as the harbinger of good news with the historical success of MDL 840, he shared his wariness on Republic Act 10638 on its way to becoming a "dead law."

Fe Buenaventura-Mangahas, a former political detainee and Claimants 1081 member, stated that the human rights victims filed their claims not because of monetary compensation but as a call to never forget our dark past. Mangahas aimed to fill in the gaps in the success narrative of MDL 840 to show that the recovery efforts for the compensation of human rights victims is yet to be considered a success from the point of view of human rights groups. She said that whatever compensation the human rights victims have received is actually just a droplet in the pool of Marcos's ill-gotten wealth and that many of the human rights victims are already of old age, disease-stricken, and without the resources necessary to file charges, or worse, already dead. She described what was supposed to be a promising development in the compensation of human rights victims that turned into a farce: when the Swiss Bank relinquished more than USD 300 million of Marcos's wealth for human rights violations victims compensation, the funds, after a long debate, were eventually transferred to the National Treasury, where they became subject to the political whims of whoever occupied Malacañang. The Presidential Commission on Good Government, a commission organized by former president Corazon Aquino that was tasked to handle the Marcoses's ill-gotten wealth, opposed the decision stating that all assets obtained from the Marcoses are solely for land reform purposes, as stipulated in the 1987 constitution. Mangahas then outlined the course of action taken by Claimants 1081 given the bleak conditions: a) they filed a case in the Makati Regional Trial Court to apply the Hawaii District Court decision in the country; and b) they helped propose the compensation bill for the human rights victims. Despite the lack of clarity in the Makati Regional Trial Court case, Mangahas deemed the compensation bill now turned into law a success—that with the enactment of the law.



### FORUM 2

## Rapporteur's Report

Just before the forty-first anniversary of former president Ferdinand Marcos's historical declaration of martial law in the Philippines, the University of the Philippines (UP) Third World Studies Center (TWSC), held its second forum entitled "Pangako Sa'yo: Kompensasyon para sa mga Biktima ng Batas Militar (My Promise to You: Compensation for the Martial Law Victims)." The forum was held on 20 September 2013 at the Pulungang Claro M. Recto, Bulwagang Rizal, College of Arts and Letters, UP Diliman. Speakers from the government, the academe, and civil society were invited to share their experiences and perspectives on the compensation of human rights victims during martial law.

In his opening remarks, Ricardo T. Jose, director of the TWSC and professor at the Department of History, College of Social Sciences and Philosophy, UP Diliman, shared how the TWSC came up with this year's forum series, "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos (Marcos Still! The Legacy and Curse of the Marcos Regime)." Proceeding from the forum in June 2013, which focused on the renaming of the UP College of Business Administration to the Cesar E.A. Virata School of Business, the center decided to have this year's forum series tackle the memories of the Marcos regime and its hitherto current implications. Perlita Frago, deputy director of the TWSC and assistant professor at the Department of Political Science, College of Social Sciences and Philosophy, UP Diliman, introduced the speakers. In the forum, the following narratives were shared: from the success and setbacks of the class action lawsuit against the estate of the late Ferdinand Marcos, the distrust and disillusionment among human rights organizations of Marcos human rights victims, the historian's dilemma on the lack of a shared history of martial law, the challenges of mobilizing support from within the legislature, the travails of the Commission on Human Rights (CHR), to the continuing marginalization of the human rights victims themselves. The forum ended with calls not only for the recognition and compensation of human rights victims but ultimately for the creation of a shared history against the creeping historical revisionism in the country.

# THE ISSUE: REVISITING HUMAN RIGHTS VICTIMS' COMPENSATION

Rodrigo C. Domingo Ir., one of the legal counsels on the class suit (also known as MDL 840) filed against the Marcos estate at the Hawaii district court twenty-seven years ago, gave a brief background on the class suit, i.e., that it was a landmark case in history as the first tort case against a head of state. According to Domingo, this case was considered a success, with the 1995 decision awarding the Philippines USD 2 billion. Led by Robert Swift, the case started with a complaint filed by the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (SELDA, Organization of Political Prisoners and Former Political Detainees) against Marcos and general Fabian Ver. According to Domingo, later on, other human rights groups such as Claimants 1081 joined the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto in strengthening the case. Domingo gave updates on the recovery of the Marcos assets to compensate the human rights violations victims. The first development after the landmark decision came from Marcos's sequestered Mercedez Benz in Hawaii, which was a birthday gift from his wife, Imelda. They were also able to sell in an auction Marcos's house in Hawaii for USD 1 million. In 2011, they were able to further augment the compensation funds through the recovery of USD 10 million from the Marcoses. There are also other pending cases overseas. Domingo acknowledged the other members of their legal counsel team, some of which have also been strong advocates of human rights and concerns of former political detainees-Robert Swift, Jose Mari Velez, Rene Saguisag, and Ruben Fruto. He added that besides making a strong case for the recovery of the Marcos ill-gotten wealth for the victims's compensation, they were also able to coordinate with various human rights groups and the CHR to help them distribute the awards. He concluded his presentation by providing the most recent update in the form of Republic Act (RA) 10368, "An Act Providing for Reparation and Recognition of Victims of Human Rights Violations During the Marcos Regime, Documentation of Said Violations,

it can now be put on record that there were human rights victims during martial law in the Philippines and Ferdinand "Bongbong" Marcos Jr. can no longer deny them of their truth. Mangahas, however, lamented the delays in the law's implementation and claimed that human rights organizations share in the responsibility for the inaction on the side of civil society groups. She ended by saying that if only the younger generation were to find out about the human rights victims's struggle in attaining justice in the country, then they too may take to the streets.

# DUE RECOGNITION: REPARATIONS BEYOND MONETARY COMPENSATIONS

Rita Melecio, deputy executive director of the Task Force Detainees of the Philippines, highlighted other considerations beyond the monetary compensation of the victims of martial law. Their organization was able to put up their Museum of Courage and Resistance in honor of the struggles and heroism of the human rights victims. Filled with paintings, artworks, literary pieces, pictures, and documented files during martial law, the museum memorializes the horrors of the authoritarian regime and the courage of those who faced it. She said that the Task Force Detainees of the Philippines had documented 11,000 victims of various human rights violations from 1972 to February 1986. And she said that these recorded cases most probably do not constitute all violations committed during martial law. Melecio also acknowledged the importance of having the victims receive their respective compensations, for this is indeed an important part of the healing process for the trauma they have experienced. But she added that justice for these victims does not only mean compensation. She called for bringing to justice the perpetrators and those responsible for the atrocities of martial rule. In the Task Force Detainees of the Philippines's assessment of the current situation of human rights in the Philippines, it seems like we are still living under martial rule.

Meynardo Mendoza, a historian who wrote his dissertation on the compensation of human rights victims, presented the big picture on the issue of compensation. He said the issue of compensation was part of a bigger phenomenon of repairing historical injustices or reparations. He traced the transformation of reparations previously awarded solely to the state towards the individual, with landmark cases such as the Holocaust that recognized not only the Jews, but also homosexuals

and the handicapped as victims of the Nazi regime. Also part of the historical development of reparations was the emergence of "collective remorse" among developed countries and their colonization of ethnic minorities, as in the case of Australia and its aborigines; and the atrocities of World War II in Asia, as in the case of comfort women. Moreover, he pointed out that the collapse of authoritarian regimes and transitions to democratic rule in many regions of the world engendered new ways of coming to terms with a difficult past: a) trial or prosecution; b) truth-telling; c) apology; d) restitution; e) compensation; f) lustration; and g) moral reparations, which include commemorations, memorialization, and history writing. After giving the context of reparations, Mendoza, who also studied the history of MDL 840, argued that despite its many firsts, MDL 840 has been reduced into a settlement. He reiterated Mangahas's statement that filing claims was never about the money but about making people remember what martial law was about and preventing it from happening again. Mendoza ended by highlighting the major accomplishment of the law: the state acknowledged the human rights victims and that in itself is crucial to reparations. He also called to task his fellow historians to take part in reparations toward a shared history of martial law in the country.

#### TROUBLESHOOTING: UPDATES AND NEW SOLUTIONS

On the legislative side of the issue, Roberto Diciembre, legislative and communications officer of the office of representative lose Kristopher "Kit" Belmonte gave the audience updates on the progress of constituting the human rights violations claims board as stipulated in RA 10368. The House of Representatives has already done its job in helping the human rights victims within its mandate of making the necessary legislation, but six months has passed and the president has not vet constituted the claims board. With this delay, Belmonte filed House Resolution No. 25426, "A Resolution Expressing the Sense of the House of Representatives on the Urgency to Jumpstart the Full Implementation of RA 10368." Diciembre shared the poor support the resolution garnered from members of the Congress, where only four attended their session—this number already included the chair of the committee-to push for the resolution's adoption. It was the numbers game in action. He ended by saying the ball is already in Malacañang's court for the law to be finally implemented and all they

could do in Congress was to file for another house resolution to compel Malacañang to deliver its promise.

Standing for the CHR was Karen Gomez-Dumpit, the director of its Government Linkages Office. She began by stating that the 1987 constitution is "an ideal constitution," with established safeguards for human rights. Given the dark context in which it emerged, the constitution's underlying message is "never again" to martial law, citing the creation of an independent CHR as evidence. She cited the sad fact about MDL 840 and how due to its nature as a private claim, those who were not aware about it were inevitably excluded, especially the ordinary human rights victims. However, in keeping with the constitution's promise of "never again," she said the CHR made sure that the legal counsel, which included Domingo, and the eligible members of the class suit were able to meet in order for the former to award the latter their rightful claims. She also shared how, despite the success of the MDL 840 in Hawaii, the Philippine courts were uncooperative in enforcing the legal judgement. She said it took the United Nations to say that said actions by the Philippine courts were discriminatory, that is, in asking them to pay exorbitant court fees, the courts were doubly victimizing them. She lamented that the case, previously mentioned by Mangahas has languished in the Makati Regional Trial Court. In the CHR's search for human rights victims across the country, she narrated that the effects of martial law are still very much evident to this day. A generation has passed and its effects have now trickled down to the sons and daughters of the human rights victims. She ended by citing the CHR's relentless efforts to call the president to constitute the claims boards and of the former's plans to once constituted—help the latter with the seemingly insurmountable task of compensating human rights victims within such a short span of time allotted by the law.

#### OPEN FORUM

The open forum that followed the presentations focused mainly on the following themes: the implications of past court decisions, RA 10368, and the importance of remembering what really happened during martial law. Roger Mangahas, also a former political detainee, started the discussion by giving an important reminder to the students that it is indeed important to study and know the history amidst strong campaigns promoting historical revisionism. Political science student

Nathan Candelaria asked the panelists how to confront these historical revisionisms posted on social media and how social media can help in advancing the cause of giving reparations to the victims. Mendoza reiterated the need for a shared-history writing that should be done as soon as possible. He also added that their history classes way back in their elementary and secondary years are also partly to blame. They have strongly demonized the image of the former dictator instead of giving due emphasis to martial law itself—and that this antagonistic approach greatly contributed to seeking alternative perspectives that can justify an authoritarian regime.

George Fabros, alumnus and UP Diliman faculty member, asked for an elaboration on the compensation rules stipulated in the past court decisions and those found in RA 10368. While the decision in Hawaii provided for an across-the-board compensation to the victims, RA 10368 requires compliance to a scoring mechanism that will determine one's entitlement to compensation. When asked why such detail is required by law in renarrating the sufferings by the victims, Gomez-Dumpit said that the scoring mechanism is a way to ascertain the degree of violation suffered by the victim and to be compensated based on the extent of suffering, but that the human rights violations claims board will be the one to process them. She added that those whose names also appear in the Bantayog ng mga Bayani (Monument of Heroes) list of human rights victims are to be given "conclusive presumption" in their inclusion in the claimants list.

A former activist in UP Diliman during martial law built on these important questions to ask about the process of listing down the names of the human rights victims. Her boyfriend, also a former activist in UP Diliman, was just recently included in the list of Bantayog ng mga Bayani and she said his family has no clue on how to make a claim for compensation. To this day, his body remains to be found. She also raised the challenges of human rights victims who used aliases during martial law to which Gomez-Dumpit replied with corroborating evidence such as testimonies and additional documents.

A member of the audience who did not identify himself, shared his experience in working in the Presidential Commission on Good Government. He said getting a law through Congress meant making compromises and the "two schools of thought" that clashed then were those who were the hardliners or who said that only those who were human rights victims during martial law should be compensated and then the group—which he identified as Marcos allies—who wanted to

compensate human rights victims in other administrations to deflect attention away from the Marcoses. Compromises were made in order to get the law to take off and in its own small way give recognition and compensation to the human rights victims of martial law.

The forum reminded us that the previous cases filed to seek reparations were never solely for monetary compensation. More importantly, the cases were meant to also seek recognition of the abuses and the human rights violations during martial law. Despite all of these, there are still numerous cases of human rights violations, as attested to by Melecio. History will repeat itself without due and proper recognition of the human rights victims of martial law. Truth, justice, and compensation are ways to effect closure for the victims. But as Mendoza said, full satisfaction cannot be attained—it is a personal choice. The moderator concluded that "the aggressors will always want to forget while the victims will always want to remember." This is a call for all of us to take time to know our history and to reflect on the lessons of the martial law years. —ENRICO V. GLORIA AND ELINOR MAY K. CRUZ

PERLITA FRAGO, deputy director of the TWSC and assistant professor at the Department of Political Science, College of Social Sciences and Philosophy, UP Diliman served as the forum's moderator.



### FORUM 3

# Bonggang Bonggang Bongbong: Ang Rehabilitasyong Pulitikal ng mga Marcos

Huwebes, 28 Nobyembre 2013, 1:00–4:00 n.h. Pulungang Claro M. Recto (Faculty Center Conference Hall) Bulwagang Rizal, Kolehiyo ng Arte at Literatura Unibersidad ng Pilipinas (UP) Diliman

RICARDO T. JOSE (DIREKTOR, THIRD WORLD STUDIES CENTER AT PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Ito ay pangatlo dito sa serye at tatalakayin natin dito ang pagbalik sa kapangyarihan ng Marcos family. It is now forty years actually since martial law [was declared]. Kaya [may] bagong generation at mapapansin nga natin na some of the memories of martial law ay nagbabago. Makikita natin sa internet na maraming mukhang hindi talaga nangyari o nag-iiba ang focus. Of course, alam natin na na-elect si [Ferdinand] "Bongbong" Marcos [Jr.] bilang senador ng Pilipinas at si Imelda Marcos naman ay naging kongresista ng Ilocos Norte, at si Imee [Marcos] din ay pumasok sa pulitika. So ano ba ang ibig sabihin nito? Ano ang implikasyon ng pagbalik ng mga Marcos sa kapangyarihan at sa goverment service? And what does it mean about ourselves also? Nakalimutan na ba natin iyong mga leksiyon ng martial law?

This is the third of the series. There will be two more. The one after this is on the structure of martial law—the legal framework—at ano iyong nagiging parte nito sa legal tradition natin. And then we will have another one after that.

Ang objective *nito* ay to reexamine martial law and to try to [highlight] what has to be remembered. Ang gusto namin sana ay makita iyong iba'tibang panig ....We tried to look at all the sides. Doon sa unang

forum, the Cesar E.A. Virata case, we tried to invite Virata himself but he declined. We tried to invite people from the [UP] College of Business Administration din at nag-decline din sila. So, ang nangyari exactly ay naging more one-sided. [For] the forum on compensation, we also tried to invite [representatives] from different sectors at naging very exciting iyong diskusyon because we had speakers from different groups [including] from the government, kung ano ang ginagawa sa Congress natin.

We have four speakers this afternoon. They come from different perspectives. We are trying very hard to get somebody who is on the side of the Marcos family. We have somebody, *siya iyong naging* campaign manager *ni* Bongbong *noong* 2010 for the "Bongbong for Senator Movement." So, if we will be able to [know] different perspectives, then we may be able to see how they balance out, or try to see how we can make sense of what we will discuss this afternoon.

MARIA LUISA T. CAMAGAY (PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Maraming salamat, Dr. Jose. Alam mo ang klase ko kasi, nandito sila. Ang sabi ko, siguro kailangan malaman ninyo rin kung anong nangyari. Tinanong ko sa kanila, "Ano bang mga taon kayo ipinanganak?" Siyempre mga first year [college students] sila kaya mga 1990 or something. "Nilalaro pa kayo ng anghel noong panahon ng martial law."

Ngayon ay ipapakilala ko iyong ating unang dalawang tagapagsalita at bibigyan natin sila ng pagkakataon na ibahagi ang kanilang mga pananaw tungkol sa paksa. Ngayon ay una kong ipapakilala si Dr. Amado Mendoza. Si Dr. Amado Mendoza ay propesor sa Departamento ng Agham Pampulitika, Kolehiyo ng Agham Panlipunan at Pilosopiya. Ang kaniyang expertise—at ipinapakita niya sa pagtuturo—ay sa larangan ng international relations at international political economy. Nakagawa na rin siya ng paghahambing ng democratization at armed anti-state movements. Natapos niya ang kaniyang bachelor's degree, master's at PhD [doctor of philosophy] sa political science mula sa ating unibersidad. Siya ay nakapagsulat ng isang kabanata tungkol sa people power o lakas sambayanan sa Pilipinas sa isang aklat na pinamagatang, Civil Resistance and Power Politics (Mendoza 2009).

Ang aking katabi naman ay colleague ko sa Department of History. Siya ay kasalukuyang commissioner ng National Historical Commission of the Philippines at ang kaniyang interes ay mga kilusang manggagawa noong panahon ng martial law. Interes din niya ang eighteenth at nineteenth

century Philippines, Philippine relations with Spain, Latin America, and Southeast Asia. Nagtuturo siya ng gradwado at hindi gradwadong mga kurso hinggil sa panahon ng Kastila at mga kilusang panlipunan. Si Dr. Ferdinand Llanes ay nagsulat at editor ng Tibak Rising: Activism in the Days of Martial Law (Llanes 2012). At ganoon din ng isang aklat na inilathala ng UP Press na pinamagatang, UP in the Time of the People Power (1983–2005) (Llanes 2009). Natapos niyang lahat ng kaniyang BA [bachelor of arts], MA [master of arts], at PhD [doctor of philosophy] sa UP.

AMADO MENDOZA JR. (PROPESOR, DEPARTAMENTO NG AGHAM PAMPULITIKA, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): I will have to start with some disclosures so that you may understand where I am coming from, although, I should say that these disclosures do not materially or substantially affect the analysis that I am going to offer.

I fought against the dictatorship up to its ouster and I am an unwilling guest of detention camps from September 1973 to December 1974. I was tortured for about two weeks—I am not sure how long—and the combined experience, I should say, strengthened my resolve to fight against the dictatorship. I continued fighting the dictatorship after my release from prison.

Now, let us tackle the topic of political rehabilitation. For those of you in photography, if you are familiar with the program "Lightroom," you can rehabilitate and "de-rehabilitate" people or objects. So, for example, if there is a group photo and you want to remove somebody, you can do so through that software. If you want to restore that person, you can do so also through that software. But, that is old hat. The Soviets have been doing that under [Joseph] Stalin. If somebody falls out of favor, that person gets painted out or blackened out of the photograph. The same was true during the time of Mao Zedong during his reign in China.

We are not talking about that kind of rehabilitation. We are talking of political rehabilitation. We are talking of the restoration of a person's political status from a previous a one. The question is, "Was it necessary to rehabilitate the Marcoses?" I will put forward the hypothesis that it was not necessary because they only suffered a temporary loss of status.

I will ask members of the audience, what kind of history were you taught in high school? Were you taught that martial law was either

good or bad? Were you taught that [Ferdinand] Marcos has brought harm or shame to the country? You weren't and therefore, there is no need for rehabilitation because their status is more or less secured. Their status is only harmed in so far as those who went through the struggle against the dictatorship [are concerned]. As for the rest of the country, they do not need any rehabilitation.

Now, how do we interpret the earlier electoral defeats suffered by the members of the Marcos family in 1992? Madam Imelda [Marcos] ran for the presidency. She lost. In 1995, Bongbong Marcos ran for senator. He lost. After that, members of the Marcos family were able to win subnational positions like governor or congressman, etc.

But only in 2010, a Marcos—in the person of [Ferdinand] "Bongbong" Marcos [Jr.]—was able to win a national level position as senator. How do we interpret that? Is that political rehabilitation? You can say, yes, it is political rehabilitation compared to the electoral defeats that they sustained in earlier years.

On the other hand, if we look at the campaign ran by Bongbong Marcos, he did a very good job, in my [assessment]. Number one, he did not associate himself in any way with his father, although he tried to sound like his father—he adopted the baritone [voice] of his father. He never associated himself with his father and therefore avoided the trap of defending his father during the campaign (*basahin ang* appendix 3.1, 425–32). They would do that after he won but he did not do that when he was campaigning.

What did he do? He associated himself with—the most prominent image that stuck in my mind as far as his campaign was concerned—the Bangui windmills (basahin ang appendices 3.2, 433–36, at 3.3, 437–46). That was the image that stuck in the minds of the voters. He is a young person who is able to solve problems; who is able to provide electricity for his constituents. He is a can-do guy. Hindi siya dada nang dada, meron siyang nagagawa.

Now we all know that histories are contested—I am preaching to the choir, *nandito iyong* history department—and histories are likewise contested. The reason why the Marcoses do not need rehabilitation is because we failed. We failed to precisely revise history. Those of us who went through the struggle against the dictatorship, we failed. We did not reach out far enough so that this image of history could be changed. For that reason, *walang kailangang* rehabilitation. Rehabilitated *sila*. Akala lang natin, kailangan nila ng rehabilitation pero iyong rehabilitation na iyon ay hindi nila kailangan, o kaya, hindi na masyadong kailangan ngayon

dahil sa pag-inog ng panahon. Maaaring kailangan nila noon, pero ngayon, hindi na. Kaya uulitin ko, kapag tinanong natin ang magiging mga first-time voter o second-time voter kung ano ang pagkaalam nila kay Bongbong, ano ang impression nila kay Bongbong, iba ang maaaring isagot nila. Baka ang isagot nila, iyong Priority Development Assistance Fund, iyong involvement ni Bongbong sa pork barrel issue, rather than his association with his father, martial law, and so on and so forth.

I will end my presentation here. For those of you who are interested in the fuller analysis you can visit my blog, I wrote several pieces on this issue: https://bongmendoza.wordpress.com.

FERDINAND C. LLANES (PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): It is interesting because Bong's [Amado Mendoza Jr.] remarks kind of intersect with mine. Hindi naman kami nagusap. Pero hindi gaanong nalalayo. But I will focus on what the invitation stated for my topic here, and it says that: "We believe that you can share important insights regarding the possibility that the process of historical revisionism is underway, as a perceived consequence of the political rehabilitation of the Marcoses." Later you will find out how somehow, what I will say kind of intersects with what Dr. Mendoza have said.

So, siguro importante muna na tingnan natin kung ano ba iyong meaning ng historical revisionism. It has been around for sometime. Lagi natin [itong] naririnig, especially from the nongovernment organizations (NGOs) who are very much opposed to the Marcoses and what they represented in the past. In other words, ang isyu talaga ngayon is constructing the memory of martial law and its implications in the national politics. So, ano ba ang historical revisionism? In historiography, iyong revisionism per se ay hindi naman masama. Historians would actually acknowledge that it is very legitimate, and often times it is very important, that from time to time we have to revise our prevailing notions of the past. Bakit kailangan iyong revisionism? Revisionism is, you can say, a new interpretation, a new way of looking at things. And why does it happen? Because probably new evidence presents itself or there are new techniques of understanding what happened in the past.

For example, *itong* many leaders around the world who have been believed to have died because of venereal diseases. *Pero* later, *makikita nila na*, like for example, syphilis is a very usual reason [given why] these leaders died, like Napoleon [Bonaparte]. *Noong una akala namatay siya dahil sa* gastric cancer or even syphilis. Then later, because of new

technology, they thought that he died of arsenic poisoning. Now lately, mukhang hindi arsenic poisoning. Mukhang arsenic din but he was not poisoned. It seems that iyong arsenic nasa kaniyang dugo na sa buong buhay niya. Because they examined his hair for various periods of his life, nandoon talaga iyong arsenic in large quantity. So, we have to revise our understanding of what happened to Napoleon when he was exiled to the island of Elba.

Even right now, the case of [Andres] Bonifacio—whose 150th anniversary we are celebrating this Saturday—iyong unang mas traditional interpretation ng kaniyang kamatayan was valid because he put up a countermovement against Aguinaldo when the Tejeros Convention elected [Emilio] Aguinaldo as president of the revolutionary government. So, for a time, that was accepted—at least for the group of people who decided in Tejeros—that it was legitimate to have Bonifacio executed. But later, historians would establish the fact that probably, there was no due process at all, when he was supposedly put on trial. So again, historians have to revise or at least entertain another perspective on why Bonifacio was killed in Maragondon, Cavite. Now, there is another historian who is saying that probably, there was no trial at all. So what I am trying to say is that it is legitimate to do historical revision.

Now, there is another type of historical revision that probably is the one being referred to with respect to the Marcos regime and martial law. It is revisionism that is of the negative type and uses what historians would also call illegitimate techniques to establish something about the past or an interpretation of the past to promote a certain political or ideological agenda. Some people would call this "negationism" or a "narrative of denial," trying to negate something that people would perceive to have happened but for some political or ideological reasons they would deny to have happened.

And this is probably the issue right now, that accordingly, the Marcoses are exerting every effort to sanitize what is supposed to be a negative image of the Marcoses and martial law. In other words, when you speak of revisionism, there must be some prevailing notion of an event in the past, if not something very dominant, that you would do something to provide an alternative way of seeing this event, like martial law.

So, let us go to martial law. Ang sinasabi nga ngayon ay mukhang binabago na nina Marcos iyong very negative image ng martial law at saka ng kanilang banunungkulan noong martial law. But later, we would also

ask if indeed there is such a prevailing or dominant view of martial law. Kasi dapat may ganyang presumption na you are revising something. Is there really that something that the Marcoses is revising? Dr. Mendoza said na hindi naman sila kailangang i-rehabilitate kasi mukhang from the beginning, wala namang kailangang i-rehabilitate. In the same manner I am saying that, mayroon ba talagang prevailing narrative, at least sa maraming tao, na ang martial law ay masama talaga such that we could say that indeed the Marcoses are doing some revisions?

I looked into two sets of materials. One, iyong social media. At dito mapapansin mo na mukhang conscious iyong mga gumagawa ng mga presentations about the Marcoses. And I would suspect the Marcoses which you represent [humarap kay Gerardo Eusebio, si Eusebio naman tumugon ng: "Not really."] because you used to be the campaign manager of Bongbong Marcos-mukhang conscious na talagang baguhin iyong image ng mga Marcoses. So we make the assumption that martial law was negative and that it was bad. And that the Marcoses, for certain ideological or political purposes, are revising it now. So, ang sinasabi ko, mukhang hindi kailangang i-revise because mukhang dati nang nandiyan iyong perspective na iyan na hindi naman talaga masama ang martial law, at least [for] the majority of the population. For the radical groups and for those who suffered under the martial law, defined iyong narrative about the martial law. For me, defined iyon. I was also an activist during the martial law. Of course, I was not tortured like [Amado] "Bong" [Mendoza Ir.] but I went through the same experience as those who suffered [under] martial law. So, isang set of materials iyong mga video presentations. Marami kayong makikita sa internet and I will show some of them here.

The other set of materials are the textbooks for basic education. And I would like to think that in the textbooks, the image of the martial law period and of the Marcoses are quite tame, very tame. If you were born in 1986, today you would be around twenty-seven years old. At ilang milyong kabataan iyan na dumaan sa parehong basic education and they have read about martial law and the Marcoses in a rather benign image. So may possibility talaga na iyong phenomenon na manalo si Marcos could happen, because he would deal with this kind of audience. At kapag tiningnan natin iyong video na iyan, iyong unang set of materials na ipapakita ko sa inyo, makikita ninyo na ang target ng mga Marcoses ay itong generation, those who were born from 1986 up to the present or who do not have a memory of martial law. Kahit nga iyong

ipinanganak bago ang 1986, kasama na diyan sa generation na iyan, ito iyong yuppie generation.

So, could we start with the video presentation? Iyong una ay mukhang dito lumabas iyong naganap noong 2008 at very consistent iyong mga video na ito about presenting Marcos and the martial law in a rather very positive way.

[Ipinakita sa unang video presentation ang isang YouTube clip na may pamagat na "Ferdinand Marcos Still-Working Projects." Sa saliw ng kantang "Dahil Sa 'Yo"—kantang madalas awitin ng mag-asawang Marcos sa panahon ng kampanya—magkakasunod na ipinakita sa clip ang mga imprastukturang ipinagawa sa ilalim ng pamumuno ni Marcos na diumano pinakikinabangan pa hanggang sa ngayon. Kinabibilangan ito ng sumusunod: Bataan Nuclear Power Plant, North and South Express Ways (na sinabi sa clip na una sa Timog Silangang Asya), mga plantang heyotermal (kasabay ang pagsabing "Philippine become the World's Largest Geothermal Power Consumer"), tulay ng San Juanico, at Light Rail Transit (kasabay ang pagsabing "First in Southeast Asia").]

Okay, that is one. Kapag tiningnan niyo iyang video na iyan, ang pokus niyan ay to present the achievements of martial law and the Marcos leadership. Maraming ganyan. Hindi ko alam kung nakailang likes iyan. Mga 40,000 likes or shares.

[Here is another video]:

[Napanood sa ikalawang YouTube video clip na may pamagat na "Untold Story of Martial Law (Aquino–Marcos)" ang diumano hindi madalas mabanggit na pagkakaugnay nina Ferdinand Marcos at Benigno "Ninoy" Aquino Jr. bilang parehong miyembro ng fraternity na Upsilon Sigma Phi.<sup>2</sup> Dahil diumano sa ugnayang ito, hindi isinakatuparan ni Marcos ang parusang kamatayan na ipinataw kay Ninoy ng komisyong militar, na may nagpatuloy silang pag-uusap sa telepono kahit nasa kulungan si Ninoy, at nang magkasakit sa puso si Ninoy habang nakapiit, pinahintulutan siya ni Marcos na tumungo sa Amerika para magpaopera. Si Ninoy rin

<sup>1. &</sup>quot;Ferdinand Marcos Still-Working Projects," YouTube video, 2:21, posted by "Antonio Roto," 18 October 2008, https://youtu.be/ml4G-vBkneY. Ang mga nasa paniping katagang sa Ingles ay ang kung paano ang mga ito eksaktong ginamit sa clip.

<sup>2. &</sup>quot;Untold story of Martial Law (Aquino–Marcos)," YouTube video, 9:30, posted by "Asingan Pangasinan," 21 September 2012, https://youtu.be/P6Imb00sqyY.

daw ang gusto ni Marcos na pumalit sa kanya sa pagkapangulo, kung kaya, bakit niya ito ipapapatay at gagawing martir?]

Mukha namang halata iyong trajectory ng mga video. Iyong unang video, mukhang gustong ipakita that Marcos achieved things that no other president did. And what is interesting here is, if you look at the textbooks for grade school and high school, more or less, ganoon din ang sinasabi. So, ito puwede mong sabihing "conscious." May mga forces, or maybe people loyal kay Marcos, who are really doing this. It is very purposeful. Pero iyong textbooks, hindi. Independent authors ito. Probably iyong iba hindi, pero maraming textbooks na na-review o nabasa ko, more or less iyong idea ng Marcos achievements ay very clear. So, kung mayroong revision dito, assuming na ang prevailing thought or frame of mind dapat sa martial law ay negative, ang revision iyong conscious.

Iyong textbook, mukhang hindi revision. Mukhang that is a given perspective. Ibig sabihin, ganoon talaga iyong thinking ng mga gumagawa ng textbook. I do not know if the Department of Education (DepEd) has something to do with that, but the DepEd has been under new administration since 1986. And yet, kapag tiningnan mo iyong textbooks, I will show you later, more or less ganoon din ang sinasabi. Ang bago lang dito ay iyong second video, because ang second video, ang sinasabi dito, mukhang ini-exculpate si Marcos doon sa assassination ni Ninoy. It ends with, how could he [Marcos] have done it? Paano siya ang gagawa noon ay magkaibigan sila? This is something very UP because [sa] Upsilon dito, friends sila and they talk to each other. So, maraming ganito na makikita tayo diyan.

[YouTube clip ng panayam ni Anthony Taberna kay Imelda Marcos ang ikatlong video na ipinakita.<sup>3</sup> Isa itong segment galing sa programang "Tapatan ni Tunying" sa ABS-CBN. Sa bahaging ito ng panayam ni Taberna, kinuha lamang ang panig ni Imelda Marcos para ipaliwanag ang yaman ng kanilang pamilya. Ang paliwanag ni Imelda Marcos galing ang nasabing yaman sa husay ng kanyang asawa bilang isang mangangalakal ng ginto. Sinundan ang clip na ito ng promotional spot para sa programang "Power House" ng GMA News TV.<sup>4</sup> Sa spot na ito mapapanood ang

<sup>3.</sup> Sa link na ito dating makikita ang nasabing video: http://www.youtube.com/watch?v=9cO4n95MCdg. Kalaunan nga lamang itong tinanggal "due to a copyright claim by ABS-CBN Interactive." Orihinal na umere ang nasabing panayam sa programang "Tapatan ni Tunying" sa ABS-CBN noong 12 Setyembre 2013.

<sup>4. &</sup>quot;Sen. Bongbong Marcos: 'History will judge my father properly,'" YouTube video, 5:28, 18 September 2013, https://youtu.be/k4JaL9Kt-Vg.

bahagi ng panayam ni Kara David kay Bongbong Marcos kung saan sinabi ni Bongbong Marcos na ang mga isyung ipinupukol laban sa kanya at sa kanyang ama ay mga propaganda lamang na inaasahan na sa pulitika.]

To summarize these last two videos before we go to the last one, ang sinasabi nila dito—and I think this is a part of the revisionism as we defined it-wala kaming kaso sa human rights. These are all legitimate undertakings of the state. In fact, in one of the segments there, sabi na, the state was at war and the arrests and imprisonment of people were necessary because these were communists. Tapos sa ill-gotten wealth, in one of the segments that we did not show, ang sabi ni Imelda, "Wala pa naman akong kaso talaga na natalo." And that is also true. In other words, hindi pa na-establish talaga na sila ay nagnakaw noong panahon na iyon. And as you have seen here, sabi nila legitimate naman iyong pinagkuhaan ng pera nila. Gold trading at nandoon lahat sa gold investment iyong kanilang wealth. I think this is the part na puwede mong sabihin na talagang revised siya or revisionism. But iyong mga textbooks, I think, hindi talaga. Well, as conscious as what these videos seem to [be], mukhang iyong textbooks, hindi ganoon. Mukhang may mga authors na ang tingin ay okay naman iyong administrasyon ni Marcos. At sabi ko nga kung maraming bata ang makakabasa niyan, or turuan ng ganyan, ang magiging perception talaga kay Marcos at sa Marcos regime is very positive.

For example, ang problema dito kung minsan sa DepEd ay iyong kanilang guide for writing textbooks would not allow you to be a critical author kasi ang approach nila diyan is to present the positive and the negative side of every administration. Kaya kung nagkuwenta ka na, talagang mas maraming tulay na napagawa si Marcos. At susunod ka sa prescription na iyan ng DepEd, doon sa minimum learning competency. So, on one hand, iyong authors, puwede talagang naniniwala sila na okay naman si Marcos, and on the other hand, mayroong restrictions provided by the minimum learning competency and the guidebook for writing textbooks ng DepEd. So, what I am saying is, kahit hindi gumalaw iyong mga Marcos, iyong textbooks at saka iyong iba pang mga publications about the dictatorship, are completely sanitized. Hindi mo makikita critically kung paano nanungkulan o paano nag-prevail iyong martial law.

This is the last video and we can conclude after this.

["Kilala mo ba si Bong Bong Marcos?" ang pamagat ng panghuling YouTube clip na ipinakita.<sup>5</sup> Lumalabas na isa itong multimedia

 <sup>&</sup>quot;BongBong Marcos for President in 2016? (FEU Makati MKBA102 History Project)," YouTube video, 7:29, posted by "Yamm NavaTV," 10 October 2012, https://youtu.be/WhRoEhLyKwE. Sadyang magkaiba ang titulo ng post at ang titulo ng clip.

presentation na gawa ng isang grupo ng mga kabataan na isinasalaysay ang talambuhay ni Bongbong Marcos. May bahagi sa ipinakitang clip kung saan may panayam kay Loretta Ann "Etta" Rosales, kasalukuyan noong chair ng Commission on Human Rights. May bahagi sa panayam kung saan sinabi ni Rosales na may karapatan si Bongbong Marcos na tumakbo sa kahit anumang posisyon na gusto niya. Karapatan niya ito. Pero ang mahalagang tanong, ayon kay Rosales, ay kung magiging para saan at para kanino si Bongbong Marcos.]

Now, kaya ko ipinakita iyon, not because it is very amateur. But despite being amateur, it is calculated. Kasi ipinasok doon iyong chair ng Commission on Human Rights, si Loretta Ann "Etta" Rosales. At ang ginamit nilang statement ni Commissioner Etta Rosales was: "Yes, he has every right to run." So, doon, burado na lahat. Ke galing pa iyan kay Marcos, ke legacy pa iyan ng Marcos dictatorship, commissioner ng human rights ang kinowt: "May karapatan siya. Magtalo na lang tayo sa achievements" (basahin ang appendix 3.4, 447-48).

In conclusion, like what Bong said, hindi na kailangang i-rehabilitate kasi rehabilitated na siya. And ito sabi ko nga sa inyo, on two types of materials, iyong una dito is conscious. I think this is a campaign to exorcise iyong mga negative na mahahalaga katulad iyong ill-gotten wealth at saka iyong murder of Ninoy Aquino. But for the rest of the population, especially the youth, from those born [in] 1986 up to the present, hindi mo kailangan kasi nasa textbooks. At kapag natapos iyong bata sa pagbasa, sa pagko-compare ng presidente considering what's happening now, Bongbong Marcos could very well win.

**CAMAGAY:** *Ipapakilala ko iyong dalawang huli nating tagapagsalita. Una, si* Prop. Gerardo Eusebio. *Siya ay* senior lecturer of politics and history, as well as, political relations consultant. Since 1983, he has served in various capacities within the government: as youth development executive at the Office of the President, congressional district head, special assistant to the late Senator Arturo Tolentino, chief political officer of Sen. Gregorio "Gringo" Honasan II, consultant to various congressional commissions and the Philippine Public Safety College, and undersecretary for Peace and Order and Transnational Crimes [of] the Department of Interior and Local Government. He has also served as director for the Social Marketing Service of the Department of Social Welfare and Development from 2008 to 2009. Since 1995, [Prof.

Gerardo] Eusebio has been a professional campaign manager. He had been involved in the electoral campaigns of, as mentioned earlier, Senator Tolentino in 1995, Senator Honasan in 2001, and Trade Secretary Mar Roxas in 2004, among others. In 2010, he was the campaign operations manager of Bongbong Marcos's successful bid for a Senate seat in the 2010 national elections. Mr. Eusebio has been teaching courses in politics and governance, history, Philippine government and constitution, development administration, international marketing, and media management in crisis situations at the De La Salle University, University of Santo Tomas, Southville Foreign University, and the Development Academy of the Philippines, among others. He obtained his MA degree in Development Policy with distinction from the De La Salle University-Manila, where he also obtained his Bachelor of Arts in History and Political Science.

Butch Hernandez, is the executive director of the Eggie Apostol Foundation (EAF), formerly the Foundation for Worldwide People Power. As executive director, he has been regularly contributing opinion pieces on education reform initiatives in the Philippines in a column in the *Philippine Daily Inquirer*. Butch Hernandez has been immersed in education reform activities since 2002, when the EAF launched the Education Revolution movement and People-Power driven grassroots initiatives that encourages local communities to take a more active part in transforming their schools into vehicles of quality education. Also the Program Director of the Talent Development Committee at the Information Technology and Business Process Association of the Philippines, [Butch] Hernandez was a journalism major at the University of the Philippines, [College] of Mass Communication.

GERARDO EUSEBIO (SENIOR LECTURER AT POLITICAL CONSULTANT): Maraming salamat po, Dr. Camagay. Magandang hapon po sa inyong lahat at sa mga kasama ko po dito sa panel. Ako po ay nagagalak at naimbitahan niyo po ako na makasalo ninyo. Hindi naman ako madalas dito sa UP pero ang akin pong mga mentor at mga teachers ay puro mga taga-UP.

Nagtataka ako noong ako ay nakatanggap ng email mula [sa TWSC]. Noong nakita ko iyong paksa na rehabilitasyon ng mga Marcoses, siyempre ako ay nagulat, at the same time ay naging curious din ako, dahil kung ano man yung mapag-usapan, gusto ko rin sana na makapagbigay ng aking kaunting kontribusyon.

Pero palagay ko, ang primary reason why I was invited was because of my involvement with the Bongbong Marcos campaign in 2007. You see, ladies and gentlemen, I belong to the sort of pejorative profession called "campaign consultants," that has some people thinking, "Mga mersenaryo ba itong mga ito?" Pero alam ninyo po . . . campaign consulting is actually an art and [a] science.

So, not to make apologies, I was involved in the 2007 campaign of Bongbong Marcos. And of course, he is also a friend of mine. We went to the same school in high school, La Salle Greenhills, *kaya lang*, he was a senior. But actually, the person who drafted me was his wife, *si* Atty. Lisa Araneta who is also a friend [of mine]. So, anyway, *nakilala ko siya* and we contracted the client. Then, *iyon nga po, siya ay nagwagi*.

Now, I also thought that I was invited because of my educational background and my teaching background and I would love to participate. It seems that I cannot detach myself from my profession and my ideological leanings, if you call it that. If you ask me, may mga ethics din naman po kaming campaign consultants. Siyempre hindi naman po namin puwedeng pagsilbihan ang taong [sa] palagay namin ay hindi karapat-dapat maging o mag-aspire sa kaniyang pinupuntahang posisyon. Nakita ko naman po sa pagkakakilala ko kay ngayon Senator Bongbong na maliwanag naman siyang kausap. Maayos naman ang kaniyang mga plano at mayroon siyang equanimity. Iyon ang aking perception. Dahil alam ninyo po kaming mga consultants, pagkatapos po ng campaign, tapos na po iyong aming engagement. Hindi naman po hard and fast iyon, pero normally ganoon po.

If you would like to know some information about the campaign where he landed number seven—he got a total of, if I am not mistaken, 13 million votes, something like that—I can check also if you like. He ran under the Nacionalista Party, with the presidential candidate [Manuel] Villar. Alam ko sa kasama niya doon, most of them lost. Ang nanalo po doon ay iyong Liberal Party. They got the majority, but of course, that was also a presidential campaign year. With regards to votes, saan talaga nanggaling ang boto namin? Where were the votes concentrated? Definitely concentrated in Region 1: Ilocos Norte, Ilocos Sur, Pangasinan, Abra area. Diyan po kami kumuha ng boto. Metro Manila was not really, you know, a strong Bongbong area. So, doon kami sa Bulacan. We [got a] hint na marami daw loyalist doon sa Bulacan. That was how we planned things. Because there is this notion [na] kung saan ka mahina, huwag ka nang magtagal doon. So, [that was] the strategy. We also got a lot of votes from Region 8 and Region 6. These were the

strongholds. Then there were some regions in Mindanao that I cannot remember.

Now, as far as our networking was concerned, I was a bit surprised then that we got a lot of support from the senior citizens. Most of them would say, "Mabuti pa noong araw." You know, due to our economic condition, iyon po iyong sinasabi nila. Tapos, of course sa loyalists, the former members of the Kabataang Barangay. Most of them are may edad na ngayon. And of course [we won] with the proper blend of very good media strategy and ito po iyong mayroon kaming magandang jingle<sup>6</sup> noong panahon na iyon, with experts [in] arts, and the labor of the whole campaign party.

Now, on the more serious question of whether the Marcoses are being rehabilitated, I believe that because of the time, the opportunity that was lost in 1986 as far as governance is concerned by the administrations that came after the authoritarian regime—the five administrations, *kasama doon iyong kay* PNoy [President Benigno "Noynoy" S. Aquino III]—I think the people has not really tasted or felt the difference or the privileges of being under a democratic regime . . .

Also, in accordance with what Professor Mendoza said, that it doesn't need rehabilitation, para pong ganoon na raw. Para pong lumalabas na, what would you rehabilitate if the conditions are not really there? And also the time itself kasi . . . since 1972, forty-one years na, so four decades—that is a long time. My eldest son was born in 1984. He is now thirty[-years old] at dalawa na ang anak. Hindi na nila alam iyon. Now about the books, hindi ko pa po nakikita iyang mga books. Kung ano man, sumobra naman ang, wika nga, sanitizing.

So, in that sense, ang palagay ko po, iyong bumoto kay Bongbong na 13 million, that is a lot of votes also. In that sense, parang rehabilitated na po. I do not know. I would like to contribute or make comments in the discussion per se.

**BUTCH HERNANDEZ** (EXECUTIVE DIRECTOR, EGGIE APOSTOL FOUNDATION): [Sa pakiusap ni G. Hernandez, hindi ini-record ang kanyang panayam.]

<sup>6.</sup> Ang jingle ay base sa kantang "Tuloy Pa Rin Ako" na pinasikat ng bandang Side A noong 1993.

#### Malayang Talakayan

CAMAGAY: Napaka[ma]laman ng mga ibinahagi ng ating mga tagapanayam. At ngayon, simulan na natin ang open forum at kung may mga katanungan, ay una, ipakilala ninyo ang mga sarili ninyo at ilahad ang tanong at kanino ninyo ibig ibato ang tanong sa apat nating mga tagapagsalita. Mayroon po bang ibig magtanong, magkomentaryo, magbigay ng opinyon, kuro-kuro? Pakigamit lang po iyong mikropono sa gitna.

**NATHANIEL CANDELARIA:** Good afternoon *po sa lahat. Ia*-address *ko po sana iyong* question *ko kay* Dr. Mendoza. If the Marcoses were not rehabilitated as you claimed earlier, then what would be the dominant idea with regards to the Marcoses in the first place? Do you think that the events after EDSA I affected the thinking of the people with regards to their family?

MENDOZA: Kailangan kong baguhin iyong premise ng tanong mo kasi sinabi ko, hindi na nila kailangan ng rehabilitasyon. Kung kailanganin man nila, wala namang pag-asa dahil sira na ang imahe nila sa mga katulad ko na dumaan sa martial law at lumaban sa kanila. Pero sa karamihan ng mamamayan, hindi kailangang i-rehabilitate ang kanilang imahe, lalong lalo na, tulad ng nabanggit ni kasamang Eusebio, wala namang halos ipinagbago iyong mga post-Marcos na mga kalakaran. Sa ordinaryong tao, hindi masyadong malaki ang ipinagbago ng kanilang kalagayan kaya hindi nila titingnan iyong kalakarang Marcos nang kasingsama. Sa mga nagbibigay ng kahalagahan sa demokratikong proseso, sa mga laban sa awtoritaryanismo, masama ang tingin sa rehimeng Marcos. Ang komplikasyon kay Marcos, kalahating elected siya—mula 1965 hanggang 1972, nakaupo siya bilang elected na presidente. In fact, siya ang kauna-unahang reelected president ng ating bansa. Tapos, mga 1972 hanggang 1986, doon siya umupo bilang authoritarian leader. So, iyong assessment mo kay Marcos, mahirap mong pagsamahin iyong dalawang period na iyon, o kung gagawin mo man iyon, kailangang bigyan mo ng distinction iyong dalawang period na iyon. Of course, iyong mga defenders naman niya, hindi nila gagawan ng distinction iyon. Isasama nila lahat iyon, tapos sasabihin nila siya ang may pinakamaraming ginawang daan. Ang haba kasi ng kanyang pamamahala. Of course, ang sagot ko naman doon, "Natural, ikaw iyong nakaupong matagal e di siyempre ikaw iyong may pinakamaraming magagawa."

#### CAMAGAY: Mayroon pang ibang katanungan?

CHOLO OLAGUER: I would like to give my remarks. I am a BA Anthropology major and my grandfather on my dad's side is Eduardo Olaguer. He was a proponent of the "Light A Fire Movement" during the Marcos years. They burned down the COMELEC [Commission on Elections] building during their time. So, I would like to add a few points to create a fuller picture of the context back in the Marcos years. Aside from what is conventionally taught about martial law, I also learned from what my lolo has written and what my family members have told me about the business climate during the martial law. So you have to acknowledge na hindi lang si Marcos iyong isang nagpapatakbo ng martial law regime. Kasi, mayroon siyang grupo ng mga cronies na nakapalibot sa kanya. They seized control of companies in vital industries. And Marcos supposedly gave tax breaks to Lucio Tan, for example, sa tobacco industry. Tapos, iyong ibang kontrata na isinagawa sa ilalim ng Marcos administration kagaya ng Bataan Nuclear Power Plant, I forgot his name pero they say that doon talaga nagkaroon ng malalaking kickbacks. Basically, we [borrowed] a lot of money during the martial law period, at iyon ang binabayaran natin ngayon. And from that money that we borrowed during the martial law years, a lot of that money went to

<sup>7.</sup> Ayon kay Thompson (1995, 84-88): "Although a layman, Eduardo Olaguer was deeply influenced by his brother [Jesuit priest Antonio Olaguer] and by American Jesuit priests James Reuter and John Delaney . . . After studying at Harvard Business School, Olaguer worked as an executive at IBM-Philippines. He resigned when the company's management endorsed martial law, making him one of the few businessmen to express dissatisfaction with the regime openly . . . . The LAFM [Light a Fire Movement] was an elite group with a narrow social base. Olaguer's close business associates, a handful of [Benigno Ninoy] Aquino's followers, a few financiers, and two clergymen with links to Cardinal Sin were the entire organization . . . . The LAFM's arson campaign throughout 1979 did little to destabilize the Marcos regime. The COMELEC building (the hated symbol of the 1978 election fraud), several crony-owned hotels, and the floating casino ship in Manila Bay were burned, but the fires received little publicity because of a government-imposed news blackout and the LAFM's inadequate communication network." Noong 24 Disyembre 1979 nahuli sina Olaguer ng mga tauhan ng rehimeng Marcos. Una silang sinampahan ng kasong subersyon sa harap ng isang komisyong militar, na kalaunan nadagdagan ng pito pang akusasyon na kinabibilangan ng ilegal na pagkakaroon ng mga pampasabog, sabwatan para likidahin ang matataas na opisyal ng gobyerno, sabwatan para magrebelyon, at pang-uudyok na magrebelyon. Noong 4 Disyembre 1984 pinatawan ng parusang kamatayan si Olaguer at sampu ng kanyang kasamahan. Noong 22 Mayo 1987, pinawalang-bisa ng Korte Suprema ang hatol na ito (G.R. No. L-54558).

Marcos and his cronies. They seized control of vital industries. I think kasama doon ang ibang companies ni [Eugenio] Lopez [Sr.]. When martial law is discussed, to me, ang narrow ng binibigay na konteksto. It usually relates to the activism during the time of Marcos. It does not really talk about iyong [cronies] na nakapalibot, kung sino iyong nabibigyan ng bondo, kung sino iyong sumusuborta kay Marcos. Tabos buro Marcos, Marcos, Marcos.

And we have to acknowledge the fact . . . that iyong mga activist na nagsasalita tungkol sa martial law give us a static image of Marcos forty, thirty years ago. You also have to acknowledge the fact na sina Bongbong Marcos, puwede silang magbago. Kung ano iyong imahe nila noon, they can change. Parang, kung nang-rape ka ng tao forty years ago, ano naman ang magiging weight noon sa iyo if you have changed forty years since then? Parang, iyong kasalanan ng family member mo, madadala mo iyong gravity ng ginawa nila throughout your lifetime (basahin ang appendix 3.5, 449-52).

If the activists here would want to retain their perception of martial law in social memory as they saw it, they would have to provide us with a fuller context. Sino iyong mga players ng martial law, hindi lang puwede na sina Marcos lang, kailangan ninyo ipaliwanag na may mga kasamang negosyante na nakapalibot kay Marcos. Tapos sa side din nina Ninoy, sino sino sila and what have they done. In our government, for example, especially with Noynoy Aquino . . . I will say my criticism of Noynoy Aguino, because I believe that he does not know better, he does not know how to lead-parang, pinasok ninyo sina Cory [Aquino] and all these succeeding presidents but the thing is, our educational system is lackluster. You have people who, as previously mentioned, do not know how to think critically in general.

Tapos iyong sinasabi nga ng dating National Economic and Development Authority secretary ni Marcos, si Gerardo Sicat-he was my professor in Economics 11—he was telling us that in the current system of laws in the Constitution, there are provisions which blocked foreign direct investments (FDIs) or the opportunities for FDIs from coming into our country. Because the Constitution [that] Cory and company wrote insulated us from foreign capital, which has its pros and cons. But for us, it is pros. Ang masasabi ko diyan sa Constitution natin, it protects us from the influence of foreign capital. Hindi tayo nakokontrol masyado ng mga foreign investors at companies dahil iyong capital nila, wala masyado dito like sa ibang bansa sa Association of Southeast Asian Nations. So that is what I am saying. If you want us

to learn more about the context of martial law and if you want to retain it in social memory, you have to do a better job in providing us with a context. You can't just limit yourself to your own perspective. You have to include the perspectives of those people who were working during martial law, the perspectives of the oppositionists, etc. That is all.

**CAMAGAY:** Thank you. Butch Hernandez would like to make [a reaction]?

**HERNANDEZ:** Hi. You are the grandson of Ed Olaguer?

**OLAGUER:** Yes, sir.

**HERNANDEZ:** I see. I worked with him that time and Otto Jimenez. You said, "Put in a clear context and add more perspective." I do not know how clear we can be at that time. Before we continue—

**OLAGUER:** Sir, I think I get your point. Well, basically, I am talking from the perspective of my generation because what we were taught is the condensed version *na. Ito ang nangyari. Iyong* emphasized events *ay sa* EDSA Revolution *noong* 1986, *iyong mga* events during martial law years, it is not really clear . . .

HERNANDEZ: Right. There is no disagreement there, Mr. Olaguer. My point is that all the information that you want is actually there, waiting for you to process. This is the University of the Philippines. Hindi uso ang spoon-feeding dito, hindi ba? Lahat ng kailangan ninyong malaman tungkol sa martial law, nandiyan lang. Nandiyan ang mga propesor na dumaan sa panahon na iyon at maliwanag pa ang kanilang alaala tungkol doon. My own classmate was sitting there, sa harap ng steps, noong nagkaroon ng Diliman Commune. Nandoon siya noong binaril ni [Inocente] Campos iyong isang bata doon. Ganoon kaliwanag iyong panahon na iyon

<sup>8.</sup> Ayon kay Evangelista (1985, 459–61): "The experience of the two-day [11–12 Enero 1971] blockade served as a 'trial run' for the second round, when the students decided to put up a more massive human blockade on February 1, 1971, as the jeepney strike was resumed . . . . student leaders started rallying students . . . to join them in forming a human barricade at the entrance of the University to keep public vehicles from entering the campus, while a small contingent group manned

sa amin at hindi pa martial law iyon. Noong panahon ng martial law naghirap kaming lahat . . . My point is, all the information that you need is really there, lalo na ngayon. Social media is there. All the libraries are accessible to you, internationally and locally at the click of a button. All you need to do is read. And yet, you listen to drivel like what the videos that Dr. Llanes was showing. Maraming likes noon sa Facebook. Bakit walang nag-comment? Bakit mas kaunti iyong mga nagsasabi na, "No, hindi ganyan iyon." Bakit? Kulang daw sa impormasyon. Read. Research. Everything you need is right here, right now, in this new world of technology-driven media.

CAMAGAY: I think I will recognize Professor Llanes first and then Professor Mendoza.

LLANES: Iyong point ni Mr. Olaguer, okay naman iyon, from my end. I think given other professors—I teach history; Bong teaches political science—iyong understanding naman namin ng martial law is not focused on Marcos alone. Kasi when you have to understand martial law, you have to understand the nature of fascism. Fascism is monopoly control of everything—the economy, the state, the social life, the culture, and the arts, lahat iyan. Totoo naman iyong sabi mo na ang martial law, the

the back gate of Katipunan road. Shortly after 11:30 a.m., the UP Security Force arrived at the front barricade . . . . While the student leaders were confronting the security guards, Prof. Inocente Campos of the Mathematics Department appeared on the scene. Professor Campos had previously established a reputation among the students for ignoring boycotts and continuing his classes despite threats from boycotting groups . . . . He had also gained reputation for carrying a gun since on one occasion, he fired three warning shots to drive the boycotting students out of his classroom . . . . Professor Campos was on his way to the campus to conduct his classes after he called the University Secretary's office and received word that no order for the suspension of classes had been given. And he entered the first checkpoint on University Avenue, he slowed down but was not blocked by the human barricades. Someone recognized him and soon pillboxes were thrown in the direction of his car. He continued driving but since a tire had been damaged, the car stopped. As students started advancing towards him, he went out of the car, put on a vest, got his shotgun from the back seat and tried to fire to scare the students, but the gun was jammed and did not go off. He then got his automatic .22 caliber rifle and started firing it, then drew his revolver and fired some more. During a short lull, a Security Force jeep coming from the direction of the barricaded area sped toward Professor Campos, arrested him and brought him to Quezon City police station. As a result of the Campos incident, a student, Pastor Mesina Jr. was seriously wounded . . . . He died four days later."

fascist state, became possible at that time because na-achieve ni Marcos at mga kasama niya iyong total control of everything. If you study iyong mga history ng fascism around the world, that is the very nature of a fascist state, that you have to develop a cadre of people who would put up the fascist rule. Halimbawa, si [Adolf] Hitler, he coopted intellectuals to do a project that he wanted to accomplish. Marcos was also like that. Iyong mga intellectuals, he co-opted them. Like in history, many in our department were co-opted. They wrote iyong Tadhana. Kaya nga iyong point ng rehabilitation regarding history mukhang hindi naman talaga kailangan ngayon niyan. Marcos was really good indeed because early in his rule, tiniyak na niya that the narrative that would be provided to the next generation would be his narrative or the narrative of his regime at hindi ang katotohanan. And the title is vou know, eerie, Tadhana. At iyong tadhana, mukhang tumutuloy talaga kay Bongbong. I mean, I am not pro-Marcos, pero by the looks of it, they have been well crafted, the way Marcos did (basahin ang appendix 3.6, 453-58). And you cannot do it alone, you cannot be Marcos alone. You have to have propaganda people, people who would design these videos that act subliminally. So you need good media people there. You need economists who would make possible the control of economy. You mentioned the person doon sa Bataan Nuclear [Power] Plant, that is immediately seen. And so the particularity of fascism here was the phenomenon of cronvism.

So, what I am trying to say is that hindi naman sa naka-focus lang tayo sa isang tao and even the way I present this in the limited time and space doon sa classroom, is not probably what you are thinking na naka-focus lang—iyon nga ang problem, bakit iyong mga textbooks ganyan. I will read to you one. This [was published in] 1989. This is a textbook, Kasaysayan at Pamahalaang Pilipino. One of the authors, patay na siya, si Bro. Andrew Gonzalez. Three years after EDSA, sabi niya, "EDSA, mga nais isakatuparan sa pagwawakas ng Batas Militar pagkalipas ng siyam na taon; maraming mabuting pagbabago at naisakatuparan para sa kapakanan ng bayan." Three years after EDSA, ito ang laman ng textbook. Kaya maganda iyong ipinakita ni Butch, ni Mr. Hernandez, iyon precisely ang sinasabi mo, na may conscious na revising on the part of the Marcoses and their instrumentalities. Pero kung tutuusin, hindi nila kailangan gawin because the machinery that provided the infrastructure for fascism to

<sup>9.</sup> Para sa maiksing paliwanag tungkol sa Tadhana, basahin si Samuel K. Tan (1993, 85-87). Para sa mas malalim na pagtalakay basahin si Rommel A. Curaming (2006).

flourish is still there. And ito ay approved ng DepEd ha. So, in other words, iyong mga teachers na sinasabi niya, lalo na kung ang mindset ng teachers who benefited from Marcos are taken up and would produce textbooks like these. And then you would have millions of school children who would be thinking this way, na okay naman. Tapos makikita mo nga na nothing really changed, e di pare-pareho lang sila. You would not associate Marcos with the dark period as the radicals we have here. Ibig sabihin, ihihiwalay mo siya, lalo na anak naman siya. Bakit mo naman ia-associate siya doon sa responsible doon sa martial law. Of course, I do not exactly agree with you na hindi natin puwedeng i-associate si Bongbong because he is defending the Marcos estate, kaya hindi mo siya puwedeng ihiwalay doon. If you really have to be comprehensive about him, isasama mo talaga siya, when I teach . . . Sana kung mag-dissociate siya doon genuinely, puwede mo siya i-dissociate, sasabihin niya, "Nagkamali talaga ang tatay ko anong magagawa natin, pero hindi naman ako si Ferdinand Marcos. I am just a junior" (basahin ang appendix 3.7, 459-62). Hindi naman ganoon ang position niya. Ito siya, for example, paano ngayon iyong mga ill-gotten wealth? Who protects it? Siyempre iyong nagmana noon, wherever that is. Because our definition, kasi after EDSA we now have a definition of what ill-gotten wealth is. Ill-gotten wealth is wealth that you earned na hindi mo mai-earn had you not been in the position. The definition is very simple. Wala na raw silang big business noon. But if you look at the records of the PCGG [Presidential Commission on Good Government], where could have they gotten this wealth? Well, they have blown cover. Before, ano bang business nila? Wala. Lands? Wala. Ginto nga: was it gold trading or was it gold raiding? Gold raiding, ang sabi. Kaya nga part of the fascist structure.

Pero tama iyong sinabi mo na hindi lang naman si Marcos iyan. Pero part of it was culture. So, this idea of creating myths. Iyong myth ng Yamashita treasure—was there really a Yamashita treasure or was it just concocted to justify iyon posibilidad na, "Ay, kaya mayaman sila kasi may Yamashita treasure." Because during the Ramos regime, I think, they also went into this project of looking for the Yamashita treasure. During Cory's time also, nagtangka ring hanapin kung nasaan ba iyong Yamashita treasure na iyan. So, in other words, tama iyong sinabi mo na hindi iyan simpleng isang tao lang. It was a system. And that is the nature of fascism, and that is what I teach and the other professors, na maliwanag kung anong nangyari dito. Ang problem nga lang is transmitting this to the ordinary population. And if you have teachers like that, katulad ng prinesent ni Mr. Hernandez, papaano mo maipapaliwanag? So,

do you need any revising there? Do you need any historical revision there? Mukhang hindi. Kasi it is very embedded. And sinong nagkulang? Baka kami ring mga aktibista ang nagkulang. We were busy redefining our career. It is only now, for example, that the state is doing something about it. Kasi mukhang part ng batas na ituturo sa grade school. But that Marcos junior is already knocking on the doors of Malacañang. Are we too late?

JOSE ANTONIO CUSTODIO: Sorry, I came late. Anyway, did anybody discuss iyong growth ng fascism? The perceived failure of the institution that makes a system become appealing to certain portions of the population. For example, in the case of social media. You see, the likes that appear in Facebook sometimes might create perceptions for the general public that existing institutions are not doing the job that they are mandated to. I am therefore talking about the administrations since 1986 and so on. The thing is that, fascists basically are a bunch of opportunists as they prey on the weaknesses of a society. If they see that there is a perceived failure of institutions, then they project themselves as the viable alternative. Parang ganoon na ang nangyayari, ano? And the common people, not looking at things better, basically, they tend to gravitate towards that. That is why in the case of Adolf Hitler, he was elected into office because of the failures of the Weimar Republic. In this case, in what I see here, because of the development in our society right now, the threat of fascism may not just come from one side of a political spectrum or factions. Let us say, in the case of the Marcoses, because at their time, Marcos then had a crony who spearheaded this. But this time, there is a possibility that it may either come from the military itself, which is going to be new from the previous experience that we had. So, if you have not discussed about the perceived failure of institutions, I am just asking now.

CAMAGAY: We have Professor Mendoza.

MENDOZA: From 1946 to 1992, the ruling classes that came in were divided into two factions: the Liberal Party and the Nacionalista Party. And they adopted an informal rule, i.e., rotation in power. Liberal *iyong una*, then Nacionalista. *Sila iyong nasa palasyo*. And while in office, the rule was to plunder the public treasury, to the extent that it can be done and take advantage of the opportunities of office. Mr. Marcos violated that informal rule in 1969. *Ngayon*, he got re-elected. That was

the start of warfare between the Marcos faction and all the anti-Marcos members of the ruling faction. Which is why the Liberal Party, including Ninoy, flirted with the New People's Army. Lopez opened *Manila Chronicle* to the student movement to attack Marcos. And the situation [reached] the critical level where Mr. Marcos decided to take power and he justified that by saying that he was besieged from the Left and from the Right.

Marcos is not just Marcos. Hitler is not just Hitler. Ibig sabihin, the entire system, the correct term should be [the] Marcos authoritarian system. I hesitate to call it Marcos fascism because that is too European. And the key components there would be the military, the cronies, the bureaucracy, the coopted intellectuals, the United States—because the United States [then] had favored the authoritarian system. And it lasted until such time that the regime could be sustained. It went into a crisis in the late '70s when the world economic crisis was also starting because we could not export our products and we had a political crisis with the [Aquino] assassination in 1983. So we went through change, we sort of went back to the 1972 system but there was an injection of "People Power" in our post-Marcos system. Ang hinahanap ng ating mga mamamayan, gaano katotoo itong People Power na ito. Totoo bang naglilingkod ang pamahalaang ito para sa amin? Ang nangyayari, hindi na nila masyadong nakikita ito kaya kumakapit sila. Ang hindi nila nabibitawan sa tingin ko ay iyong pagboto. Katulad ng binabanggit ni Mr. Hernandez, it also raises false hope. Kung talagang uncritical iyong electorate, talagang we get the leaders we vote into office. And ewan ko kung makakaalis tayo dito sa vicious cycle na ito.

EUSEBIO: Maganda hong pag-usapan sa palagay ko itong sinabi ni Professor Mendoza na electorate dahil talagang kritikal po sila. Ano po ba ang make up nitong electorate natin? Ang bumoboto po talaga—sector A, B, C, D, E iyan e—iyong C, D, E iyan ang marami, iyan ang kritikal. Kumbaga bellwether ito, ano? Kung hindi ako nagkakamali, mga 60-65 percent ng botante natin belongs to that sector. Ang masakit po, iyong minsan nagaaral kami, kapag strategy meeting, minsan ang tawag natin diyan, without being disparaging—minsan kasi parang kasing mayroong classification kapag nagaaral na—thinking voters and non-thinking voters. In other words, ito pong electorate nating ito, ang kanilang criteria sa pagboto minsan ay kakaiba. In other words, madali iyon. Kumbaga tatapatan mo lang iyong voter's education na tinatawag. Dapat talagang malaking-malaki

iyon, hindi lang parang isang COMELEC project [such as voter's education] kapag iyon ang gusto. Gusto ko lang ito i-float sa panel.

HERNANDEZ: Professor Eusebio, na-involve din ako sa isang kampanya, sa national campaign noong 2007, kaya malapit na malapit sa akin iyong sinasabi niya. Totoo iyan. Ang electorate nga natin kasi—not to denigrate them—pero they really can be manipulated. In fact, I have dealt a lot with what they call political operators when I was in our campaign office who came and told us, "I will deliver this many voters to you." Tapos iyon na negotiation na iyon. Ano ang point ko dito? What I am saying is I saw something different in 2007. Mukhang nagbabago na iyong electorate din. Kasi tinatanggap nila iyong inaalok ng mga operators but they still vote for whoever they want. Hindi na sila ano. Palagay ko nakita mo na rin iyon. Hindi na sila sumusunod sa ano.

EUSEBIO: Yes, sir. Are you referring to [the] bilihan ng mga votes? Hindi iyon ang ibig kong sabihin pero isa rin po iyon. Iyong akin po, iyon bang kailangan mayroon concerted effort—hindi ko alam kung saan ba manggagaling ito, kung sa academe o sa gobyerno o sa mga NGOs na papaano natin itataas iyong antas ng [pag-iisip ng mga botante]. Kasi poverty iyan. Hindi kasi sila nakapagaral so parang undereducated ito. Now, how then can you make them an intelligent voter? Paano ka boboto ng-hindi ba sabi nga po ni the late Commissioner Haydee Yorac, "You get what you deserve or you deserve who you vote." Parang ganoon. So, laging ganoon lang ang mangyayari. Ang power naman talaga ay nasa botante rin under democracy. Ngayon kung ang pinanggagalingan ng power kumbaga, ayokong sabihin iyong term na ignorance. Naiintindihan ninyo po ako at kung ano ang pinupunto ko sa inyo? Palagay ko that is one of the many true points. Iyan ang nagiging problema ko kasi halimbawa kung may pinatakbo kahit na hindi naman talaga tapat. Hindi naman "guns, goons, and gold." Of course, that is more medieval. Wala na sa atin iyon. Well, siguro doon sa mga talagang remote areas na lang pero sa Metro Manila at saka sa senatorial, national [level], hindi na. Kaya lang, nandoon pa rin iyong bulk ng mga boto. Manggagaling doon. So, I really do not know how-maybe we can hear from the students too—to educate the voters na hindi lang information drives or the normal H-O-P-E slogans.

HERNANDEZ: I would like to address the UP of today. Mga kabataan, papaano ninyo ipapaliwanag sa komunidad ninyo ang pagkakaiba ng civics at saka history? Kasi nandiyan ang confusion. Bakit bumoboto ang isang

botante ng isang—. Ibibigay ko ulit iyong favorite ninyong example, si Manny Paquiao. Bakit niyo iboboto iyan? Bakit ninyo binoto si Erap [Estrada]? Hindi ba? Bakit ninyo binoto? Kung sino-sino na lang diyan ang nananalo. Dahil may appeal? Dahil naririnig sa radio? Nakikita sa TV? Anong pinakamadalas na naririnig kong komento? "Kasi madali siyang lapitan." "Kasi nakakatulong siya." Hindi ba? Pero hindi nga ganoon. Hindi civics iyon. Bakit, anong tingin nila sa Kongreso, pinupuntahan lang iyon para hingian? Samantalang hindi maliwanag sa electorate anong pinagkaiba ng lehislatura, ng executive branch, at saka judiciary. Para sa kanila, pare-pareho lahat iyan kaya iboboto na lang natin iyong popular. The onus is on you dahil kaming mga matatanda medyo lipas na kami. This world is yours to deal with as you please. Bago na ang mundo ngayon—mobile content, digital creativity, digital content, speed of light communication, mga wiki. These are your tools at your disposal. Katulad namin, mga aktibista kami noong panahon, tingin namin iyong pagsisigaw namin sa kalye, pamumundok namin, iyon ang mga pamamaraan para magkaroon ng pagbabago. Iba na ang mundo ngayon. Alam na alam ninyo iyon kaysa sa amin. Alam ninyo na marami nang makabagong pamamaraan para magkaroon ng tunay at lehitimong pagbabago. So, it is on you.

CAMAGAY: Iyong estudyanteng naka-gray, ipakilala ang sarili.

JUSTIN BAQUISAL: Magandang hapon po . . . So iyong question ko po ay regarding the last note from the speaker na it is supposed to be youth oriented, this entire thing. So, the question that comes to mind is—in the context that we have children here asking bakit si Marcos ay biniblame, hindi dapat idamay si Bongbong, etc.—I think it is also relevant to ask how should we portray not just the person but the system itself in history? Should it be [that we] just [rely] on numbers, na Marcos will be judged based on number of LRTs, number of bridges, public works? Or should a more personal approach to history be given? So, this question is for Sir Llanes. So, do you agree with me saying that we should not depersonalize history in that way, because by removing the human factor in history—such as what happened with Mr. Mendoza—are we not risking that same kind of failure that led us to repeat this history once again?

**LLANES:** Oo, siyempre iyong mga institutions, mga tao ang nagpapatakbo niyan.... Tama iyon. Hindi talaga puwedeng i-depersonalize... Kasi kapag bumoto ka rin, you deal with persons, very clear iyong mga positions nila.

Of course, ang importante lang dito, ipakita mo kung papaano sila gumagalaw according to certain dynamics of a certain system. Like for example, magandang binanggit ni Mr. Custodio iyong sanhi ng failure of institutions. Kasi kahit si Hitler nag-thrive siya kasi bagsak iyong mga social institutions and there was crisis. And of course, mahirap naman ipaliwanag nang ganito kasimple. It is much more complicated than that. Pero he filled the gap noong may crisis sa Germany noon. And the Left was not able to offer [an alternative]. Masyadong ultra left iyong Left doon. At nakapasok doon si Hitler and he was accepted by the masses. So napersonify niva iyong system na gusto niyang i-establish. And in this case, it was Marcos who [was in] that position. And I agree with you, yes hindi naman dapat i-dissociate, kasi iyon iyong mukha. And sabi ko nga kapag eleksyon, doon iyong ultimate na babagsakan. Kung iyon lang ang avenue ng change na available sa mga tao, persons talaga . . . Kaya dapat makilala talaga. Iyong pag-aaral ng system, of course, sa pagboto hindi agad makikita iyon. It requires a deeper education ng mga tao. Kaya nga sa akin binigyan ko ng importansya iyong textbooks and it was a good thing that Mr. Hernandez added the system of teaching that includes the teachers, the materials that you have. Although, papaano ipapakita o ituturo ng isang grade school teacher ang fascism? Siguro ang pinakamadali sa kanila ay magtukoy ng tao, if he or she will be able to do that. Pero at that level, pagkatapos na masabi mo na masama si Marcos and then iyong anak hindi naman, they could very well vote for the junior. Kasi hindi mo naman itinuro iyong problem doon sa system. Kaya hindi ganoon kasimple, ano? Pero tama, hindi nga dapat i-dissociate doon sa person.

**CAMAGAY:** Ang susunod ay student. The one with a notebook.

CHRISTOPHER LEE: Good afternoon . . . I would like to address this question to Professor Eusebio, because given current discussions on the electorate and your experience in the senatorial candidacy of Senator Marcos. How much of this victory would you attribute to a sanitized view of martial law vis-a-vis a personalized view of Bongbong as his own person and by his own merit?

**EUSEBIO:** First of all, [for me], as a campaign operative or campaign consultant, [martial law] is always negative. We, campaign consultants, would not want that to be talked about. Because we will be losing votes actually, no matter how you look at it. It is unpalatable, definitely. So as, say the 90-day [campaign period] came—you know ninety days ng

elections *iyong* active campaigning—we tried not to talk about that. Now, *iyong* question was, how much of this [was] deducted from Senator Bongbong's vote. It is a negative. Without the topic of martial law he could have gotten more votes. Maybe we would have landed in number five. They would not vote for the others. But again my game is a different ball game. But I am getting where you are at. Actually for me, I really do not know how Bongbong personally feels about it, you know, in his heart of hearts. But I say martial law definitely is a stigma for him. He has to carry that stigma with him. That is my honest observation. But he carries it very well. Of course it will be very hard to—I mean, just like Professor Llanes has said, during interviews he will not go contrary to the Aquinos [on] this or that. But I think that is normal. That it is a good sign. I do not know if it is a policy. I do not know when he can stop or when he should end or when to begin. That is about it.

**LEE:** So sir, would you say that his victory was not due to a sanitized view of martial law but due to his personal—

**EUSEBIO:** No, because actually the topic of martial law when we get to interviews, without us doing any effort, it does not really come up anymore. Perhaps during the 1995 campaign it did hurt him. He lost during that time and got [the sixteenth place]. Not very bad. But ano, sabi nga niya when we talked about it was ayaw niya na tumakbo ng national so he just he ran for governor and congressman. Fifteen years iyon before he ran again in 2010. So, maybe during that time, noong 1995-that was just about nine years after the clan of Marcos was deposed, exiled abroad—so, maaaring mas mabigat dalhin iyong stigma of martial law during that time. Now, as part [of] the process of rehabilitation, perhaps noong 2010, hindi na masyado (basahin ang appendix 3.8, 463-66). Then again, aggravated or helped by the fact that the administrations after that did not take the opportunity to make good, under the democratic process. And that makes it very easy now to say, that is wrong, we are good. The past is bad, this is good now. But then, what is your point of comparison if everything you do is going down the drain, as they say. Sabi nga, biro nga kanina, noon gold trade, ngayon gold raid. Did I answer your question young man?

LEE: Yes, sir. Thank you po.

CAMAGAY: Okay. Iyong student na naka-black.

**NORBERT PARANGA:** My question is, you said po, sir, kanina na kailangan i-educate [the voters]. This is our world now. This is our time to elect who we deserve. Itatanong ko lang po—sige po sabihin natin na critical—[na] well-informed ang majority ng electorate o ng voters. But when they come in the classrooms they see: A. Manny Pacquiao; B. Nancy Binay—How will you address [it] kung ganoon? I am saying na hindi lang naman po dapat sa electorate fully [tingnan] iyong political culture natin ngayon but also the candidate. How would you address that?

**HERNANDEZ:** Intertwined iyong observation mo. Tama. Bakit sila nanalo? Popular sila e. Pero hanggang doon na lang iyong discussion. Maganda nga sana kung maitutulak mo iyong usapang ito. Katulad noong kay Nancy Binay, hindi ba noong kinakampanya si Nancy Binay ng tatay niya, alam nila really na ito ay parang eksperimento ng vice president. Titingnan kung kaya magpapanalo ng kahit sino. And they were very clear about it. And the sad part of it was umikot iyang ganyang kaisipan. Everybody seemed to accept it as sure, okay lang. Nasaan na iyong fervor? Dapat hindi ba magreklamo tayo sa mga ganyan? O nagagalit tayo, or at the very least, we could have expressed it somehow in terms of a negative reaction at the polling place? Pero hindi nga. Okay, your question is, while it sounds simple, it is really a very complex one. How do you correct perception? Laro ng mga political analyst ito. Perception is actually the key to an electoral victory dito sa atin. Hindi ba kasi kung titingnan mo nga sa mga electoral systems, medyo nami-mitigate iyong perception ng other factors na may mga debate, may kung ano-ano pa. Wala tayong ganoon sa ngayon. Kaya nga sinasabi kong mundo ninyo ito kasi kapag sinabi ninyo, "Hindi dapat ganito ang sistema niyan," susunod iyong mga kumakandidato na nanliligaw sa boto niyo. That is how it is.

PARANGA: Thank you po.

CAMAGAY: May comment si Professor Llanes.

**LLANES:** This is for Butch. Why? What is wrong with Nancy Binay? I mean, I was debating in Facebook. She is a UP graduate. And I understand. I will not tell you to vote for her or not. Ang point *ko lang* is what is wrong with that? I mean if you could pass your course here,

you are okay. So you graduated from UP, what is wrong with that, hindi ba? I am not defending her.

**HERNANDEZ:** Yes, Marcos graduated from UP too.

**LLANES:** Yeah, hindi ba? Precisely. And they were talking about perception here. Ang perception is Marcos was intelligent, very good. Now, in terms of anong evaluation ng mga tao with Nancy Binay? Kung hindi talaga matalino, kita mo naman ang nangyari . . . Ibig sabihin it is a fair game. What about si Bonifacio?

HERNANDEZ: What about Bonifacio?

**LLANES:** Sabi sa kanya ni Tirona, hindi naman iyan abogado. O, parang ganyan iyong point ko rin. Everybody can run even a pesante or manggagawa. And would that diminish us? And when they make a vote for, let us say Nancy Binay? Ang importante lamang dito siguro, nai-define naman ng law kung ano ang qualifications. Kasi ang pinag-uusapan natin ngayon is a certain person who had an administration that turned authoritarian. But iyong pagpili ng mga tao, it is an open way. I am sorry pero some of you do not care about Nancy Binay, pero ako, open sa akin iyong point na UP graduate. Naging classmate ninyo siguro iyan. Baka may mas nakuha pa siyang uno kaysa sa inyo.

HERNANDEZ: Oo, magaganda ang grades ni Nancy Binay. I think the point was not Nancy Binay per se, but it is the fact that it is an electoral exercise of the vice president. Kaya napaka-complex ng question of that gentleman over there. Kasi, it also impacts on Bongbong Marcos. The sins of the father, are they attributable to the son? Parang ganoon. What if the son is not remorseful, hindi ba? Iyong mga ganoong questions. Pero hindi naman siya iyon. Bata pa siya noon. Iyong mga ganoon. These are the things that you'll need to debate on and these are the things that need to be ventilated. In the case of Nancy Binay, talagang ang electoral machine na rin ang nagdala. True, positive iyon. Malakas iyong electoral machine din, but not much else.

CAMAGAY: May isang estudyante pa. Iyong naka-blue.

ESTUDYANTE: First of all, comment ko lang po kay kuyang Anthro kanina. Gusto ko lang pong i-extend iyong point niya. Sabi niya po kasi

kanina, hindi lang po si Marcos iyong humawak ng martial law pero may cronies po siya. So, gusto ko lang pong sabihin na kung magbi-blame tayo or maghahanap tayo ng accountability, wala nang sense or at least hindi gaanong rational na sasabihin natin na si Marcos lang, kasi hindi lang naman siya iyong nakinabang sa martial law. So, kailangan din nating itanong kung sino sino pa ba. At least iyong mga buhay pa, kasi puwede pa nating habulin iyon, hindi ba? Puwede pa nating ma-confiscate iyong kayamanan nila.

And then iyong tungkol din sa personification ng history na dini-[depersonalize] na natin iyong narrative kay Marcos. Iyong comment ko lang po doon ay the fact na tinatawag mong Marcos authoritarianism iyong nangyari noong martial law ay personified na siya mismo. So, iyong problema ko din doon dahil personified siya, hindi mo malalaman iyong conditions kung kailan puwedeng mag-arise na magkakaroon ng panibagong authoritarian ruler na puwedeng gamitin ulit iyong nangyari noong una, sa mangyayari sa susunod na panahon. Hindi ko po naman sinasabi na walang nag-improve sa mga Filipino.

Pero kung titingnan natin, halimbawa iyong sa Yolanda, kung titignan iyong Facebook news feeds ninyo, iyong mga tao, masyado silang—observation ko lang ito, puwede akong maging mali kasi anecdotal ito-puwede nating masabi na kulang sila sa critical thinking katulad ng sinabi sa data kanina dahil nga masyado silang trigger happy sa pagko-comment sa mga bagay. Hindi muna sila nagbabasa o hindi sila nag-iisip. Well, hindi naman sa pagiging elitist pero at [the] same time, like example, iyong sa American intervention or iyong sa tulong ng mga Amerikano doon sa Visayas, mayroon tayong picture na kumakalat na iyong America gagawing fifty-second state or fifty-first state iyong Tacloban or iyong Region 8. So, it sounds absurd, right? Pero totoong may mga taong ganito. So, iyong isa pang problema dito ay hindi lang ito matter ng structure or agency or kung sino iyong iko-correct mo, iyong structure ba o iyong agency, pero pareho din. Kailangan nating tingnan iyong situwasyon kung paano nage-encourage sa mga taong oportunista. Tapos kailangan din nating i-identify iyong mga taong oportunista para mapigilan sila sa pag-exploit ng mga situwasyong katulad nito. So, example din, hindi lang si Marcos e. Si Erap [Estrada]. Si Gloria [Macapagal-Arroyo]. Tapos maybe in 2017, maybe si PNoy din or sina [Juan Ponce] Enrile, hindi ba? So puwedeng mangyari ito in the near future at nangyayari din hindi lang si Marcos.

So iyong mas importanteng tanong dito, paano natin mababago? Ano iyong kilos na gagawin natin para mapigilan iyong pagiging uncritical ng mga tao? Iyong pagkalimot nila sa mga ginawang kalokohan ng iba diyan. Halimbawa iyong kay Gloria [Macapagal-Arroyo], nanalo pa siya. Si Erap

[Estrada], nanalo pa siya. Tapos iyong iba naman kapag hindi nanalo, papasok sa hospital. Minsan kinakalimutan na lang ng mga tao. So, iyong tanong dito, paano natin mapipigilan iyong mga ganitong pangyayari kasi it does not make sense na rin kung mag-speculate lang tayo kung ano iyong nangyari. So, paano natin mapipigilan iyong nangyaring historical revisionism.

CAMAGAY: Sino po ba sa ating apat na tagapagsalita ang sasagot?

HERNANDEZ: Ako isa.

CAMAGAY: O sige, Butch.

HERNANDEZ: Paano mapipigilan? Gamitin ninyo iyong Facebook. Sabayan ninyo. Ganoong klase iyon. Sabi ninyo nga, trigger-happy. Bakit, ganoon din naman e. Iyon lang ang kagandahan nga e, with what we have today, iyong general mobile content, hindi ba? The only difficulty is that there is no accountability. There is anonymity and no accountability, which makes for people being indiscriminate with what they say. But if you take the experience of other countries using social media, hindi ba, it is a tool for frivolity but it is also a tool for national redemption. It is so powerful. And I dare say egalitarian, anybody can use it. So, iyon na nga, labanan na ngayon kung sino. Pagalingan na lang talaga sa social media.

CAMAGAY: Comment mula kay Profesor Llanes.

LLANES: Iyon. Sasagutin ko ito kasi ang qualification ko rin, adik ako sa Facebook. Context ko ito. So, oo tama iyong sabi ni Mr. Hernandez. Makipagsagutan ka rin. Halimbawa, noong lumabas iyong column ni Solita Monsod, sabi niya "should have, would have." Dapat puro should have, would have daw iyong mga tao. E di sumagot din ako that it is fine. What is wrong with sasabihin ng mga tao it should be like this. But ang point ko, the people are unempowered. And this is the only venue that they could vent, makapagpahayag. I think if there was no storm surge of criticism, baka lalong mabagal ang response na niyan. Ang importante lang is, it could also help shape the opinions in Facebook. If you think na medyo wala sa lugar iyong ano, then that you could just respond. Open siya e. Wala namang limits iyan kung mali iyong pinost niya. Minsan kasi iyong iba talaga twit or ini-spin nila or they Photoshop. I think, doon din

papasok iyong critical thinking. So, since our topic is about persona ng mga namumuno, I think this is a good venue for helping shape iyong critical understanding of what is happening. Pero okay lang, hindi mo maaalis, kasi mayroon talagang sira ulo diyan. Hindi mo maaalis iyan. O iyong knee-jerk na mga reaction. I think it is normal kasi, mukhang iyon ang nature ng social media. It tends to cultivate iyong mga knee-jerk [reactions]. Makakita lang ng ganyan ise-share agad na hindi pa nasusuri kung talagang totoo. Sometimes I also commit that mistake. Although ako, because I try to be responsible, binabawi ko. Sasabihin ko, "I posted this ano na mukhang mali pala iyon." Pero not everybody is like that . . . . Ibig sabihin, may pitfalls din ang social media. It is so easy to comment on public issues but kung minsan, nagkamali iyong na-post mo. E paano mong ibi-bring down iyon, hindi ba? Kailangan tama din naman iyong point mo. We should be careful but may iba talaga hindi mo mako-control. Ang hirap.

#### CAMAGAY: Your turn Mr. Mendoza.

**MENDOZA:** Unsolicited advice siguro: be more discerning. That is enough. Alam mo namang kalokohan iyong fifty-second state. Just ignore it. Do not get too hot about it. Number two, we have to be discerning. We cannot immediately say that Mr. Erap tried to set up an authoritarian regime. Probably GMA [Gloria Macapagal-Arroyo], but not Erap [Estrada]. So when you say, ano ang puwede nating gawin para mapigilan ang pagbalik ng isang authoritarian system or authoritarian regime kasi baka mangyari? Then we have to know what it looks like. What are the components of that regime. And we may have to do something not only online but offline. Much of the political battle will have to be offline. Iyong sustained conversation sa mga tao hindi magagawa nang basta-basta offline. Kailangan may combination ng offline and online conversation. Sabihin ninyo na siguro old-fashioned ako, pero iba ang nagagawa ng offline conversation. Mas madaling hindi magkaintindihan sa online. Samantalang offline, kung ano man ang pagkakamali mo, mababawi mo agad.

**CAMAGAY:** One more question coming from the girl . . .

**MICHELLE CLUTTON:** Hello. Good afternoon . . . So since the topic of social media has been raised, I think we should also note the perceived level of technological disenfranchisement of the electoral

bases of C, D, and E. Because the discourse has been revolving around, "You should post it on Facebook, you should be more critical, we should be more discerning." I think one of my questions is, do you think that the perceived technological disenfranchisement of the electoral bases C, D, and E is part and parcel of why public figures such as Erap [Estrada], the Marcoses for this matter, and Gloria [Macapagal-Arroyo], have been catapulted into public office again? And if such, the corollary question, if beyond the major response is just give them access to computers, how can we correct the disenfranchisement of these bases?

**HERNANDEZ:** Yes, I agree that disenfranchisement is a key factor in the victory of any political candidate that relies on ground work. Now, there is something you should realize . . . information technology right now is not just about computers. It is about mobile devices. In fact, if you recall *iyong* EDSA 2—

Kasi when Ninoy was assassinated, it took media three years to mobilize, hindi ba? Three years of continuous rallies in Ayala, confetti parades and all of that until 1986. In less than one-fourth of that time, Erap [Estrada] stepped down immediately. Akala namin tatagal pa. Sayang, kasi nasa media ako noon, e. Anyway, iyong texting ang nagdala doon e, iyong mobile [devices]. And now with the advent of smartphones that are within reach of even the C, D, and E crowds, as you notice, the disenfranchisement would probably be in a different form. Kasi nga may mga text blasts na ginagawa. Precisely because the campaign strategies understand the value of mobile content. Kaya nga ganoon din e, those who really know how to handle themselves using mobile devices really have to help. Like I said, discussion such as on community level, person to person, unbeatable iyon. Kaya lang iyong reach lang kasi, just the person. Pero if you could magnify that kind of discussion on your mobile devices, iyon ang mga inaasahan ng mga campaign strategists. So, really, it is a double-edged sword. The technology is there. It is fast becoming very pervasive across [all] social strata.

**EUSEBIO:** Thank you. I just [would] like to comment on what Butch said. When the use of information technology, say the social media, has been talked about especially after the Barack Obama win and the attribution to the social media—Facebook, Twitter, mga ganyan—ginamit din namin. But personally, I do not think that our country has reached that level na pupuwede pa kasi iyong issue sa mga pinaguusapan

dito. And she said C, D, and E. Well, some of them have access. We would be surprised. However, the level of communication that they input or they have engaged in social media is different. It is more personal—talagang purely social. It is just starting to reach the political discourse type. So, iyon ang wala pa. Pero sa text blasting, common pa ring ginagamit iyon. Now, with regards to the question of the gentleman earlier about how the youth can help in elevating the electoral capability, about social media, dapat siguro magtayo kayo ng isang page and then on that page—parang corny na siguro—pero you can discuss things. You can cite people who have made some good in the community, society, at least like that. And perhaps this would be the start. So, did we answer your question?

CAMAGAY: So, one last comment before we close.

**LLANES:** Okay *iyong* social media but in the last senatorial elections, it appears hindi siya decisive. Ibig sabihin, ang decisive pa rin, one, iyong transmittal from social media to the other media. It is not the social media itself. Ang mini-measure—I was able to attend a certain forum on the role of social media in the last election, mukhang hindi siya decisive. Ang decisive pa rin is, one, iyong may dimension na dapat na-transmit. Okay, nagusap si social media pero iyong transmittal doon sa other media, like tabloids . . . If that happens, okay siya. Pero otherwise, isang maliit na chamber lang iyong social media, na tayo-tayo lang ang nag-uusap na marurunong mag-usap diyan sa mga bagay na iyan. But otherwise, it is not decisive. In the Obama campaign—it was mentioned by Gerry—hindi rin decisive. Well, iba kasi ang context ng [United] States . . . But if you look at the Obama campaign, grassroots siya, in the end. Ultimately, iyong measure ng efficacy or effectiveness ng social media would be measured doon sa mga nag-o-organize sila ng mga block meetings. By blocks, by residences. Kasi I latched on to this campaign ni Obama. Pumasok ako sa social media. Kasi mayroon sila sa social media iyong "Change" something like that. Sumama ako noong presidential elections. Medyo nahiya muna ako nitong mga last na kaya nag-unsubscribe. Kasi humihingi lagi ng USD 5 o USD 1, e baka ma-identify ako at mapahiya naman iyong UP. Dala ko ang pangalan ng UP. So, I stopped. But you know, ang technique mo divan, okay mag-donate ka. That is one measure. That means quantifiable na concretely nag-support ka. Aside from that, kapag nasabihan ka nila, "Can you [meet] certain people here in your block?" and then they will meet with you. So measured ivon. In our case

here—tama iyong sinabi ni Gerry—na wala tayo sa ganoong level. Ang ating social media is chika-chika. And to a very limited extent, iyong mga intellectuals, middle class, akala mo maraming nakakabasa pero tayo din ang nagbabatuhan noon. Masyado tayong bilib sa sarili natin. Hindi nakakarating sa masa iyon.

**CAMAGAY:** *Teka muna.* I saw the gentleman up there in the balcony wanted to ask a question. The one with the glasses. Sige sumigaw ka na lang. Sige diyan ka na para makikita namin.

ESTUDYANTE: Iyong tanong ko lang po kasi noong nag-present po ng video kanina, medyo nalito po ako kasi medyo nagdikit-dikit lang iyong mga data na nilabas nila katulad ng mga napagawa ni Marcos, iyong mga impormasyon pa na nilagay nila doon. So, ang tanong ko, kaninong history ba dapat iyong isinasalaysay natin kasi iyon iyong hindi ko ma-resolve ngayon sa utak ko. Ano iyong dapat nating ilagay sa mga textbooks? Ano iyong dapat ikuwento natin sa mga kababayan natin? Parang, ewan ko, dapat ba iyong kuwento na iyon may maituturo o dapat bang maging sobrang objective tayo na mag-present ng mga datos, datos, datos, kayo nang bahala mag-decide given this data.

CAMAGAY: Mga historians dapat yata ang sumagot diyan, ha.

LLANES: So, depende iyan kung saan ka nanggagaling. Kasi halimbawa ako, I would teach, I would quote them diyan sa isang scene sa martial law, iyon ang itinuturo ko sa klase. I do not know about my other colleagues. Kung ako ang state, and I think it is now being done na ang dapat ituro, iyon ang ipapaturo dapat para sa akin. Kaya nga ang aking premise kanina doon sa aking presentation, kapag sinabing revisionist history—iyong negative na revisionist history na may binabago-dapat may prevailing na narrative. Ang problema para sa akin, hindi rin naman defined iyong narrative na iyon. And if you look at it closely, mukhang ang narrative ay hindi naman negative sa mga Marcos. Especially, kailangan mag-segment ka na dito ng historical period e-post-1986-and then titingnan mo iyong age brackets ng mga tao diyan. Ang hirap ikahon. Para sa akin dapat maipakita na hindi mabuti iyong martial law. Iyon ang para sa akin. Kaya importante iyong critical thinking dito kasi kapag tiningnan mo iyong sinasabi din ni Marcos noon na marami siyang ipinagawa na tulay, pero ano iyan, very isolated. Iyong Cultural Center of the Philippines, maliit iyon doon sa kailangan talaga ng bayan. Tapos magkano iyan. Tapos magkano

diyan ang na-pocket. So, ang technique nila doon sa propaganda is to present half truths. Kasi puwede mong i-evaluate iyan e, puwede mong iaccounting lahat iyan. Tapos ano ang relationship na iyan sa national development talaga natin. Na-uplift ba iyong people? And kapag tiningnan mo iyan, [dumami] iyong mga nag-OFW [overseas Filipino worker] during the time of Marcos. Nagtayo man ng Cultural Center [of the Philippines], pero iyong paglabas ng ating mga workers nag-start noong martial law. In other words, iyong poverty lumaki. My wife works in a bank and noong time ni Marcos doon na nagbagsakan ang mga bangko. I was organizing mga bank employees. Ang problem ng mga bank employees noon was how to retain their jobs. And if they would be removed from their employment, sana man lang may separation pay. And some of these bank employees, nasa middle class. Ang problema nila magpi-picket sila e hindi nila nararanasan iyong pagwelga. And during Marcos's time, iyong mga bank employees naranasang magwelga and to stay in the picket lines. Iyong titira ka sa labas ng kalye. So, that is different. Hindi nakikita iyon. So, iyong capital flight napakalaki. You can talk about so many things about the economy na bagsak talaga.

**CAMAGAY:** Bong would like to say a word? To react? To add?

MENDOZA: I am obviously not a historian although I like history. May I offer a reason why you are confused? I think you are confused because our narratives are not consistent. Dapat iyong post-1986 narrative consistent sa 1986; 1986 happened. Pero kung iyong narrative mo after 1986 e parang mali ang 1986, talagang mako-confuse tayo. Kapag ganoon, lalabas na mali ang 1986 at tama ang martial law. Now, when we say tama o mali, we are not not saying 100 percent na mali or 100 percent na tama. I would like to adopt the formula of Mao: 70 percent tama, 30 percent mali. Tama. They make weights. So puwede nating isama iyong mga highways. Puwede nating isama ang San Juanico Bridge pero puwede nating isama rin iyong human rights violations, etc. Tapos gamitin din natin iyong discernment natin. Tama ba o mali? Alin ang mas mabigat?

**CAMAGAY:** We have a historian who also would like to comment. Dr. Jose?

**JOSE:** [You] mentioned that I am a historian but I am [also] currently the director of Third World Studies Center. So this is not specific anymore to history alone. So, professionally, I am a historian but I also

deal with cross-disciplinary issues and current events. I experienced the martial law regime personally and I saw quite enough of what happened. Not in the way that Bong had seen it. We all have our own perceptions of what happened then. That is why in a sense it is difficult actually to say what did happen because sa dami ng perspektiba, you do have a very complex idea. And if there is one narrative that becomes a strong narrative, that is what we tend to pick up. I think the dangers that we have now, which is shown here actually, is how media can be manipulated, how textbooks can now be used . . . I also experienced the process of going over textbooks and some of the ones I went through were really terrible. And I think noong 1989 hindi pa ganoon kaistrikto iyong textbook screening. I have seen textbooks that were really, really wrong. So, it is a whole process and I think also sa education nga. I think maybe in light of what we have discussed this afternoon, we tackled several aspects. We have initially intended to focus on a particular angle and it just led from one into another which is very interesting, very exciting, in a way. So . . . I would like to thank all of you for staying until the end.

CAMAGAY: Okay, so, on that note, there is one past but many histories. So I think, I would accept the suggestion of Professor Bong [Mendoza] that we really have to learn to deal with everything. I mean that is the difference between social memory and historical awareness. Kasi sa social memory, it can change. But iyong historical awareness, talagang you have to accommodate everything, negative or positive. So, siguro iyong pagtuturo ng martial law sa kasaysayan, ipakita mo lahat and based on that information, the student should be able to give an informed opinion [and develop] critical thinking. So, on that note, I would like to thank the Third World Studies Center for this forum and the speakers Prof. Amado Mendoza, Mr. Gerardo Eusebio, Mr. Butch Hernandez, and Prof. Ferdinand Llanes. Thank you for being with us.

#### Mga Sanggunian

Curaming, Rommel A. 2006. "When Clio Meets the Titans: Rethinking State-Historian Relations in Indonesia and the Philippines," PhD diss., Australian National University.

Evangelista, Oscar L. 1985. "Lopez's Beleaguered Tenure (1969–1975)." In *University of the Philippines: The First 75 Years* (1908–1983), edited by Oscar M. Alfonso, 445–98. Quezon City: University of the Philippines Press.

- Gonzalez, Andrew, Lisa Sta. Ana-Rankin, and Adelaida Hukom. 1989. Kasaysayan at Pamahalaang Pilipino. Quezon City: Phoenix Publishing House.
- Llanes, Ferdinand C., ed. 2009. UP in the Time of the People Power (1983–2005). Quezon City: University of the Philippines Press.
- ——, ed. 2012. Tibak Rising: Activism in the Days of Martial Law. Mandaluyong City: Anvil Publishing, Inc.
- Mendoza, Amado Jr. 2009. "People Power in the Philippines, 1983–86." In Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present, eds. Adam Roberts and Timothy Garton Ash, 179–96. Oxford: Oxford University Press.
- Tan, Samuel K. 1993. "Tadhana: History of the Filipino People." Vol. 2 of Philippine Encyclopedia of the Social Sciences, 85–87. Quezon City: Philippine Social Science Council.
- Thompson, Mark R. 1995. The Anti-Marcos Struggle: Personalistic Rule and Democratic Transition in the Philippines. New Haven and London: Yale University Press.



### FORUM 3

## Rapporteur's Report

Members of the Marcos family are back in office—Imelda Marcos as representative of Ilocos Norte during the 2010 elections, Maria Imelda Josefa "Imee" Marcos as governor of Ilocos Norte in 2013, and Ferdinand "Bongbong" Marcos Jr. as senator in 2010. What are the implications of having the Marcoses back in the government? What does this say about the Filipino people? These are the important questions raised on 28 November 2013 at the Pulungang Claro M. Recto, Bulwagang Rizal, College of Arts and Letters, University of the Philippines (UP) Diliman in a forum organized by the Third World Studies Center on the political rehabilitation of the Marcoses.

Ricardo Jose, director of the Third World Studies Center and professor at the Department of History, College of Social Sciences and Philosophy, UP Diliman, welcomed the audience to the forum and briefly explained its context. Noting that it has been forty years since the martial law declaration, he observed that some of the memories of martial law are changing with a new generation of Filipinos and the advent of social media. This shift in prevailing generational memory has significant political consequences. One of which is the return to power of the Marcoses.

#### WHAT REHABILITATION?

Amado Mendoza Jr., professor at the Department of Political Science, College of Social Sciences and Philosophy, UP Diliman, started the discussion by disclosing that he was imprisoned from September 1973 to December 1974 and was tortured for about two weeks. This, he said, will not influence the assessment that he will make on the political fortunes of the Marcoses.

He explained that political rehabilitation is "the restoration of a person's political state from a previous one." The main question, Mendoza said, is if it was necessary to rehabilitate the Marcoses because he hypothesized that political rehabilitation is not necessary because the Marcoses "only suffered a temporary loss of status." He stressed that the status of the Marcoses is secure and was only harmed in the eyes of those who fought martial law. The Marcoses suffered electoral defeats previously—Imelda Marcos ran for presidency in 1992 and Bongbong Marcos ran for a senatorial position in 1995. Members of the Marcos family still managed to get local government positions, and it was only in 2010 that Bongbong Marcos won a senatorial seat. Mendoza mentioned that the primary reason for Bongbong's win is that he did not associate himself with his father and so managed to avoid the need to defend his father during the electoral campaign.

Mendoza stated the reason why the Marcoses do not need political rehabilitation: those who opposed the Marcoses during the martial law years have failed to revise history to convey the story of their sacrifice and struggle.

# HISTORICAL REVISIONISM AND THE PREVAILING VIEW ON MARTIAL LAW

Ferdinand Llanes, professor at the Department of History, College of Social Sciences and Philosophy, UP Diliman explained what historical revisionism is. He said that historical revision, in historiography, is "a new interpretation, a new way of looking at things and why [it happens]." He added that revisions are sometimes legitimate and important.

Llanes proceeded to explain that there is another type of historical revision, and this type uses illegitimate techniques. Also called "negationism" or "a narrative of denial," Llanes pointed out that this revision is the kind that tries "to negate something that people would perceive to have happened," and this is the one that is being associated with the Marcoses. But the question is: is there a prevailing or dominant view to be changed? Do the people think negatively of martial law such that the Marcoses would need to make some revision?

According to Llanes, Filipinos born from 1986 up to the present do not have personal memories of martial law. This is the segment of the population that is exposed to online and other media materials that glorify the Marcoses, and, given their uncritical handling of information, they may eventually vote the Marcoses into public office. To see why this generation would vote for the Marcoses, Llanes looked into two sets of materials: 1) the social media, specifically videos about the Marcoses and martial law that can be found in the internet, and 2) the textbooks for basic education. He showed four videos that presented Marcos and martial law in a positive image. Textbooks constitute the second set of materials. Llanes thinks that "the image of the martial law period and the Marcoses are quite tame." Comparing the textbooks with the videos, Llanes asserted that the actual perspective or view of independent authors is that martial law is good. Given that textbooks present a sanitized view of martial law, Llanes asserted that there is no need for the Marcoses to revise history. With this kind of education, it is not surprising that the youth may vote for Bongbong Marcos.

#### **IDENTIFYING BONGBONG'S VOTERS**

Gerardo Eusebio, a senior lecturer and political consultant, started by sharing how he got involved in the 2010 senatorial campaign of Bongbong Marcos. He and Bongbong came from the same school, De La Salle Greenhills, and were friends. Bongbong's wife, Liza Araneta, drafted him to be the campaign operations manager. He said that campaign consultants also follow certain ethical codes, that they only offer their services to people who they think can rightfully aspire to be elected. His perception of Bongbong Marcos is that he has "equanimity." Marcos ran under the Nacionalista Party and ranked seventh with around 13 million votes. Most of his votes came from Ilocos Norte. Ilocos Sur, Pangasinan, and Abra. He also added that Metro Manila "was not really a very strong Bongbong area" and that they got more votes in Bulacan because there were a lot of loyalists there. Aside from the Ilocos provinces, Bongbong also got a lot of votes in Eastern and Western Visayas, Imelda Marcos's home turf, and in some parts of Mindanao. Eusebio shared that they got a lot of support from the senior citizens. Marcos loyalists and members of Kabataang Barangay (Marcos-decreed youth council in villages) are also part of this older generation. So with a very good media strategy, which included a catchy jingle and good placement of ads, Bongbong's victory was sealed.

On the question of the Marcoses' rehabilitation, Eusebio said that the past and current administrations after the authoritarian regime lost the opportunity to let the people feel the benefit of being in a democracy.

#### ROLE OF THE EDUCATION SYSTEM

Butch Hernandez, executive director of the Eggie Apostol Foundation, mentioned that one of their foundation's core beliefs is that the state the people find themselves in is directly attributable to the educational system they went through. In connection to Llanes's argument, Hernandez presented data from a study by Maria Serena Diokno and the UP Department of History. In the study, textbooks that are being used today were evaluated and checked. He highlighted Diokno's comment that "the nature of historical knowledge is to interrogate and to evaluate statements that are authored and not to accept them at face value."

How do ideas about martial law reach the children? Hernandez displayed the results of the English proficiency test for Grade 1 and 2 teachers in 2012 that showed low figures. For the National Achievement Test results in 2012, results for Grade 6 students revealed scores that were below the minimum passing rate. He said that it has been the same for thirty years with meager 5–10 percent improvement every now and then. Given that in high school, higher order thinking skills are already needed, Hernandez emphasized how important basic education is by showing how fourth year students got lower scores especially in the test's critical thinking component. He defined critical thinking as "the ability to make an informed opinion on any particular issue at hand based on information that you gather." All of the data that Hernandez presented leads to the conclusion that our education system is weak.

He then showed pictures before martial law was declared. He explained that the martial law period was the hardest to get information about. Whatever photographs, videos, and news accounts there were, they were often the product of the Marcos regime's censorship.

He also maintained that the Marcoses could win an election and have as much chance as Manny Pacquiao when it comes to the presidency. He stressed that there is a need to reform the education system if we want the people to think critically and make informed opinions. There should be reform from basic to tertiary and even to post-graduate education because "it is affecting our ability to think critically." He concluded by quoting the late Haydee Yorac: "We deserve who we elect."

#### OPEN FORUM

Some of the points that were highlighted in the open forum were a) the need to provide a fuller picture of martial law that is not centered only on key personalities alone but on the central features of the regime, b) the use of social media and other technological innovations are powerful tools in raising the consciousness of the people regarding martial law, and c) the kind of narrative that should be told about the country's dark past.

On the first point, questions and comments from the audience—mainly students—indicate the need for a history or a resource material on martial law beyond the usual diatribes against the Marcoses. There were many other actors who were complicit and benefitted in the rise of Marcos and his eventual control of almost all aspects of the lives of the Filipinos; their complicity must be understood and accounted for. If the nation's martial law experience were to offer any cautionary tale, it should be of making people aware of how authoritarian and totalitarian regimes are formed and sustained. Having this knowledge is key to the constant vigilance in the fight against oppressive regimes.

Getting the vast and complex chunk of information on martial law to the current generation is the next challenge. Not much hope can be pinned on the educational system given its dysfunctions. The alternative, it would seem, would be through social media. But social media, or the internet, remains out of reach for the marginalized classes. What remains is an enlightened class that is willing to engage face-to-face those who articulate their preference for the Marcoses, or at least, do not have a fully formed opinion of their unsullied benevolence.

But what is the story that must be told? How should it be told? Crafting the narrative and mastering a medium for it is as crucial as gathering all the relevant facts on the Marcoses.

Overall, it can be said that much still needs to be done and that the effort should come not only from the older generation but from the younger ones as well. Vigilance, historical awareness, and critical thinking are needed more than ever. If we do not want the past to repeat itself, then we need to actively remind the Filipino people not to forget. RAYA MAE B. MANALO

Maria Luisa T. Camagay, professor, Department of History, College of Social Sciences and Philosophy, UP Diliman served as the forum's moderator.



## FORUM 4

# 'Pag Meron Ka Nito, Wala Kang Talo! Ang mga Abugado, ang Hudikatura, at ang Arkitekturang Legal ng Awtoritaryanismong Marcos

Miyerkules, 15 Enero 2014, 1:00-4:00 n.h.
Pulungang Claro M. Recto (Faculty Center Conference Hall)
Bulwagang Rizal, Kolehiyo ng Arte at Literatura
Unibersidad ng Pilipinas (UP) Diliman

MARIA LUISA T. CAMAGAY (PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang hapon po sa ating lahat. Magandang hapon sa ating mga estudyante na siguro [ay] dapat naririto dahil wala kayo masyadong kaalaman tungkol sa paksang martial law at administrasyong Marcos. Magandang pagkakataon na ito. Ito ay isang serye na itinataguyod ng Third World Studies Center. Ngayong hapon ay mapalad tayong makasama ang sumusunod na tagapagsalita na magbibigay liwanag naman sa aspektong legal ng deklarasyon ng martial law. Magbibigay ng paunang pagbati, ang kasalukuyang direktor ng Third World Studies Center, na si Dr. Ricardo Jose.

RICARDO T. JOSE (DIREKTOR, THIRD WORLD STUDIES CENTER AT PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang hapon sa inyong lahat. We have a very high-powered panel this afternoon. But I would like to give some regrets first, apologies because one of those we really had hoped would come, Atty. Rene Saguisag . . . wanted to come, until we heard early this week that he is in the hospital since Sunday and ayaw

payagan ng doctors niya na lumabas. But he was looking forward to this. Anyway, he gave us a quick summary of what he wanted to say.

Maraming salamat sa pagdalo ninyo dito sa forum na ito and welcome to the fourth of five public forums organized by the Third World Studies Center. This is a series that was meant to tackle the legacies, implications, and the various aspects of martial law and the Marcos administration. It is now over forty years since martial law was declared—which is more than one generation actually—and memories are fading, the eyewitnesses are going, but [many of] the issues of the martial law era have not been fully resolved. There are various consequences that we are still facing today and some of these have been written about, but many more have not yet been written about and have not been tackled. In light of the fact that it has been more than one generation since those difficult years, the Third World Studies Center has embarked on this series to try to document, examine—to reexamine, if you will—the issues of that controversial period.

In this fourth forum, we are going to discuss the role of lawyers, the judiciary, and the legal architecture of the martial law regime. For better or for worse, UP played a strong role in this. Some of the presidential decrees as a matter of fact are still much in force, while others have been rescinded because they no longer apply. We are fortunate to have with us a group of experts in the field. One issue, I guess, in all of these is that President Marcos was a lawyer and he knew how to get things done following the legal framework. And lawyers speak a different language—a legalese type of language—which most of us are not very familiar with. So, this afternoon we have two lawyers who will speak to us in more understandable language and we have one journalist who is very familiar with the activities of that time and is very familiar with the personalities of that period.

We apologize in advance for the inability of Atty. Saguisag to participate in this afternoon's forum much as he wanted to. But the other members of the panel, I think, are well familiar with the topic at hand, being lawyers and having practiced and taught or studied law. Once again welcome to all and may we all have a truly fruitful afternoon.

CAMAGAY: Sa pagkakataon na ito, ibig kong ipakilala ang ating mga tagapagsalita. Si Prop. Froilan Bacungan ay naglingkod bilang ikapitong dekano ng Kolehiyo ng Batas ng UP mula 1978 hanggang 1983. Sa ilalim ng panunungkulan niya itinatag ang ilang mga institusyong akademiko sa

Kolehiyo ng Batas. Kasama na [dito] ang Legal Resources Center, Academy for ASEAN [Association of Southeast Asian Nations] Law and Jurisprudence, ang International Studies Institute of the Philippines, at ang Institute of Judicial Administration. Nagpatupad din siya ng makabagong kurikulum na naglalayong gawing mas makabuluhan sa lipunan ang propesyon ng abogasya. Bilang propesor ng batas sa UP sa loob ng halos limang dekada, nagturo si Propesor Bacungan ng Labor Law at Constitutional Law na naging paksa rin ng mga libro, monograph, at artikulo na kanyang isinulat.

Nagturo din ng mga kurso sa karapatang pantao si Propesor Bacungan at dumalo sa 1978 Vienna Conference on Human Rights Education and Teaching. Naging miyembro din siya ng UNESCO [United Nations Educational, Scientific, and Cultural Organization] Committee of Experts on Human Rights na nag-draft ng Six-Year Plan for the Development of the Teaching of Human Rights. Siya ay naging komisyoner ng Commission on Elections at pangulo ng Philippine Constitutional Association. Sa kasalukuyan ay pangulo si Propesor Bacungan ng Center for Research and Special Studies na nag-review ng Labor Code at naghain ng mga pagbabago sa iba pang mga labor at social legislation noong nakaraang administrasyong [Gloria] Macapagal-Arroyo. Pinangunahan din niya ang ilang mga proyekto ng center ukol sa repormang pang-agraryo, isang paksang malapit sa puso ni Propesor Bacungan. Bilang dating direktor ng UP Law Center, ginawa niyang mandatory subject ang kurso ukol sa repormang pang-agraryo sa kolehiyo. Nagtuturo din [siya] ng mga kurso ukol sa repormang pang-agraryo [sa] Unibersidad ng Sto. Tomas simula pa noong 2005. Si Prof. Bacungan ay nagtapos ng bachelor of laws sa Unibersidad ng Pilipinas at master of laws sa Yale University, kung saan siya ay Fulbright-Smith Mundt scholar.

Si G. Raul Pangalangan ay propesor rin at nagtuturo ng constitutional law at public international law sa Kolehiyo ng Batas ng UP. Bukod sa pagiging dekano ng Kolehiyo ng Batas ng UP ng dalawang termino, siya ay naging visiting professor sa Harvard Law School. Nakapag-lecture din si Professor Pangalangan sa The Hague Academy of International Law, Melbourne University, Hong Kong University, Irish Center for Human Rights, Japan Society of International Law, at sa Thessaloniki Institute of Public International Law . . . Noong 2003 nahirang na amicus counsel si Propesor Pangalangan sa kasong impeachment ng dating punong mahistrado na si Hilario Davide, habang noong 2006 ay naging lead counsel naman siya sa harap ng Korte Suprema sa matagumpay na hamon sa naging proklamasyon ng state of emergency ng dating pangulong Gloria

Macapagal-Arroyo. Kasalukuyang tagapaglathala [si Propesor Pangalangan] ng Philippine Daily Inquirer kung saan siya ay dating nagsusulat ng lingguhang kolum na pinamagatang "Passion for Reason." Pangulo rin [siya] ng Bantay Katarungan, isang nongovernmental organization na naglalayong itaguyod ang rule of law sa bansa. Siya rin ay naging Asian Public Intellectual fellow . . . para sa taong 2013. Nagtapos ng bachelor of laws sa UP at ng master of laws at doctor of juridical science (SJD) sa Harvard Law School si Professor Pangalangan. Nagwagi ng Leiden Prize for best paper in public international law ang kaniyang master of law thesis, habang ang kaniyang SJD thesis ay nanalo ng Saunder Prize for Best Thesis on Issues Relating to International Peace. Natanggap niya ang kaniyang diploma mula sa The Hague Academy of International Law noong 1987.

At panghuli-pero hindi naman komo babae-ay si Marites Danguilan-Vitug. Si [Marites] ay isang manunulat. Siya ay editor-at-large ng Rappler, isang online news provider, at pangulo ng Journalism for Nation Building Foundation. Dati rin siyang punong patnugot ng Newsbreak, isang peryodiko na isinalarawan ng New York Times bilang magazine na "with spunk and spice." Ang pinakabagong libro niya ang Hour Before Dawn: The Fall and Uncertain Rise of the Philippine Supreme Court (Vitug 2012), ay sequel sa best-selling na Shadow of Doubt: Probing the Supreme Court (Vitug 2010), ang unang aklat na humawi sa tabing na sumasaklob sa Kataastaasang Hukuman ng Pilipinas. Ang Hour before Dawn naman ay nagwagi ng National Book Award for nonfiction noong 2012. Ang ebook version naman ng Shadow of Doubt nasa top ten best selling books ng Amazon sa ilalim ng kategoryang "courts." Kinilala rin ito ng Manila Rotary Club bilang "Outstanding Non-fiction Book" noong 2010. Tunay ngang ang Shadow of Doubt ay maituturing na tagumpay sa mata ng mga kritiko at nakapag-ambag din sa nagbabagong political landscape sa bansa. May-akda rin si Ms. Vitug [ng] mga sumusunod na libro: Our Rights, Our Victories: Landmark Cases in the Supreme Court, kasama si Criselda Yabes (Vitug and Yabes 2011); Power from the Forest: The Politics of Logging (Vitug 1993); Jalan-jalan: A Journey through EAGA, kasama si Criselda Yabes (Vitug and Yabes 1998); and Under the Crescent Moon: Rebellion in Mindanao, kasama si Glenda M. Gloria (Vitug and Gloria 2000). Ang Power from the Forest ay nagwagi ng National Book Award for Journalism noong 1994 at isinalarawan ng International Herald Tribune bilang isang "well-written and well-produced book that deserves a wider audience." Ang Jalan-jalan naman ay hinirang ng Asiaweek noong 1999 bilang isa sa mga nangungunang libro tungkol sa Asya. Ang Under the Crescent Moon ay nagwagi ng National Book Award noong 2001. Hall of Famer

na siya sa National Book Awards sa marami niyang napanalunang mga premyo. Nagsusulat din si Ms. Vitug sa mga peryodiko kasama na ang International Herald Tribune, Christian Science Monitor, Newsday, at Asahi Shimbun, at sa mga libro at journal kasama na ang The Politics of Environment in Southeast Asia at The Journal of Environment and Development na inilathala ng University of California in San Diego. Pinarangalan si Ms. Vitug ng Courage in Journalism Award ng International Women's Media Foundation para sa kaniyang pag-uulat sa kalagayan ng mga gubat ng Palawan; ng Ozanam Award ng Ateneo De Manila University; ng Outstanding Alumni Award ng University of the Philippines; ng Jaime V. Ongpin Award for Investigative Journalism; at ng Ten Outstanding Young Women Award sa larangan ng pamamahayag. Nagtapos ng BA [bachelor of arts] in broadcast communication sa UP si Ms. Vitug. Dati rin siyang Nieman Fellow sa Harvard University at nagaral ng International Relations sa London School of Economics and Political Science.

Ang una nating tatawagin ayon sa ating programa ay si Prop. Froilan Bacungan.

**FROILAN BACUNGAN** (DATING DEKANO, KOLEHIYO NG BATAS, UP DILIMAN): Ang unang tanong ng organizers nito is: "How did Marcos utilize the law to keep himself and his political allies in power?"

Ito naman ang sagot ko: Whatever happened during martial law regime under President Ferdinand E. Marcos, he was just fully implementing his oath of office as worded in the 1935 Constitution, Article VII, Section 7. Ano naman itong oath of office ng presidente? Ito iyong sinabi ni President Marcos:

I do solemnly swear that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God.

That [was] what President Marcos did during the time that he was president.

"Why is the crafting of the legal structure that supported, and in fact legitimized, the Marcos dictatorship rarely discussed in public?"

Ito naman ang sagot ko: Because the discussion about the Marcos regime in public has been only to the extent that you justify your position as pro-Marcos and anti-Marcos. It is not the way the Third World Studies Center wants the debate to be, namely, objective.

"The usual reason given by groups and individuals who have been part of the Marcos regime is that they served the dictatorship believing that they can temper the harsh blows of Marcos's iron fist."

Ito naman ang sagot ko: I was never part of the Marcos regime. Nagtuturo lang ako sa law school and giving bar reviews about the same time. I was executive secretary of the Philippine Chamber of Commerce and Industries at the time that martial law was proclaimed. I succeeded Crisolito Pascual as director of the UP Law Center, and later on, Irene Cortez as dean of the UP College of Law. I was never a part of the Marcos regime (basahin ang appendix 4.1, 467-68).

"Did the people in the judiciary and the legal profession then share the same view?"

Ganito . . . In a sense, the common view of persons like Crisolito Pascual and Irene Cortez was that, from the time President Marcos became president until he was ousted as such by the People Power [Revolution], he was president under the 1935 Constitution. So try to remember, that everything they [would] say about Marcos, he was doing it under the 1935 Constitution.

"What should the Supreme Court have done to stop the imposition of martial law?"

Ito naman ang sagot ko: The proper question is, "What kind of a constitution should be implemented?" Una, the Supreme Court only implements the present constitution, not any other constitution. If it [was] the 1935 Constitution, then, whoever [would] be in the Supreme Court could not have stopped President Marcos from being a dictator. They [would] promulgate the decision that could be downloaded in the internet that dealt with Aquino v. Enrile [General Register (GR) No. L-35546, 17 September 1974]. I wish to emphasize that the Supreme Court will only interpret what is [in] the constitution and it does not do anything else, because if they do something else then it is a fake Supreme Court.

"Within the context of the judiciary's nature and contemporary political culture, are there any chances for another Marcos to rise and tailor fit the constitution to his needs and make lackeys out of the Supreme Court justices?"

Ito naman ang sagot ko: There will never be a Marcos again, but there may be because there is a Bongbong Marcos who, as senator of the republic, is implementing the following provisions, among others, of the Declaration of the Principles—. Itong Saligang Batas ngayong 1987,

we owe it to that woman, [Cecilia Muñoz-] Palma who was [chair of the 1986 Constitutional Commission]:

[Section 3:] Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.

Ito naman ang Section 4:

The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.

#### Section 5:

The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Another way of saying it will be, let us ensure that we will not change the 1987 Constitution. Section 18, Article VII which states, and I will read it really slowly:

The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent and suppress lawless violence, invasion or rebellion. In case of invasion or rebellion, when the public safety requires it, he may, for a period not exceeding sixty days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law.

Then you will note that this is going to be done:

Within forty-eight hours from the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus, the President shall submit a report in person or in writing to the Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular session or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President.

Iyon ang hindi nangyari noong time ni Marcos because there was no such command in the constitution. But you will find Bongbong following [that].

Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by Congress, if the invasion or rebellion shall persist and public safety requires it.

The Congress, if not in session, shall, within twenty-four hours following such proclamation or suspension, convene in accordance with its rules without any need of a call.

That is why the Congress should convene without anybody calling for it. So, if anyone proclaims martial law, Congress will convene itself to see to it that [it serves as] a countervailing force. And what will the Supreme Court do?

The Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ or the extension thereof, and must promulgate its decision thereon within thirty days from its filing.

And what is the state of martial law?

A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ.

The suspension of the privilege of the writ shall apply only to persons judicially charged for rebellion or offenses inherent in or directly connected with the invasion. During the suspension of the privilege of the writ, any person thus arrested or detained shall be judicially charged within three days, otherwise he shall be released.

You could not detain a person for more than three days.

Let us now, of course, go back to the 1935 Constitution which states, "The President shall be commander-in-chief" and then these [slide shows additional text of the provision]. Tingnan ninyo na lang ang mga rason. All of you should read the proclamation of President Marcos. He did not justify this with all [these]. In other words, he said that nobody ever questioned the [facts,] it was questioned at the Supreme Court.

Whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law.

Who were the members of the Supreme Court at that time? You know when we are trying to think of what happened during the martial law regime, we should look at everything. Who was the president who caused it? It was President Ferdinand E. Marcos, the valedictorian of his class, the best and brilliant mind in the legal profession at the time.

And who were the justices? *Mabait itong si* [Querube] Makalintal—I still remember that we were [at the Development Academy of the Philippines (DAP) for a seminar]. We were assigned rooms. The one in charge of DAP that time was Luz Villamor, [who was with] SSS [Social Security System]. *Sabi niya*, "Froilan, room number one *ka.*" But room number one was assigned to Querube Makalintal. *Sabi* [ni Makalintal], "I went to room number one, there was a Bacungan there!" . . . But Querube Makalintal never complained. He did not file any case against me.

I remember Calixto Zaldivar, father ni Lorna Zaldivar [who] was a good friend of mine. We were all at UP. Si Fred Ruiz Castro, medyo kaibigan din natin. Ikuwento ko ang ginawa niya. Sabi niya, "Froilan, ayaw ko pang mag-retire at seventy. Puwede bang palitan natin ang batas so that after seventy, I can continue being an associate justice of the Supreme Court." [Sabi niya,] "Ganito, tawagin ko si Ferdinand, classmate ko iyan.

Palitan natin ang Saligang Batas. We will change it so that we will not [need to retire] at seventy." Except that when they were [flying back from] India, he died before he was seventy. So, sayang iyong pagpalit namin ng Saligang Batas.

Of course si Enrique Fernando. Naging professor ko ito . . . Ang gusto niya kausapin lang ay ang mga anak ng justices. So hindi ako kasali because ang tatay ko is a school teacher.

Ito kalaban ng lahat, si [Claudio] Teehankee [Sr.], of course. Si [Antonio] Barredo was a politician (basahin ang appendices 4.2, 469–72, at 4.3, 473–74). Si Felix Makasiar became dean of the Lyceum. Si Felix Antonio ay kasama ko sa PHILCONSA [Philippine Constitution Association]. Si Salvador Esguerra, sa Malacañang. They were all friends. But these guys, you know what is wrong with them? That is precisely the case.

Si Estanislao Fernandez, Cecilia Munoz-Palma, ito professor ko si Ramon Aquino who was so faithful to President Marcos, he was there at the time when he thought Marcos was being brought to Paoay—Hawaii pala.

Ito naman, classmate ko, si Estelito Mendoza, isa sa mga pinakamagagaling na abogado and because of that mataas ang ibinabayad na taxes niya. But he is very very good; he is the highest taxpayer of our country. Sana lang binabayaran niya.

At sinasabi ni Raul [Pangalangan] kanina sa akin, naging justice din, si Hugo Gutierrez. Iyong mga anak ko ay Gutierrez scholars because they were his assistants at the House and Senate Electoral Tribunal when they were in law school. And then of course the other persons.

Wala na akong sasabihin.

*Uulitin ko lang*, we should never go back to the 1935 Constitution and the members of the Supreme Court should not be the ones to [challenge] the profound ideas of the constitutional law the way Thomas Jefferson wanted it . . . Anyway, that is what we should do and that is what the young people here should do.

**CAMAGAY:** Salamat Professor Bacungan. So, mayroon siyang iniwan na payo: huwag daw tayo babalik sa 1935 Constitution. So ngayon dumako na tayo kay Propesor Pangalangan.

RAUL PANGALANGAN (TAGAPAGLATHALA NG PHILIPPINE DAILY INQUIRER AT DATING DEKANO, KOLEHIYO NG BATAS, UP DILIMAN): Thank you very much . . . Dean Bacungan was my dean when I was a student at the law

school. I must say on record, dean, that I was the president of the law student government and Dean Bacungan was the most supportive dean. I remember, dean—I am sure you have had many glorious moments, but the one scene I remember from law school was you chatting on the sidewalk with the drivers and the janitors. You were sitting with them on the *bangketa* and the students actually verbalized their appreciation, that they have a dean who can sit down with the lowest ranking staff . . . . Thank you. And also Marites [Dañguilan-Vitug], I am glad to be on the same panel. I must say that Marites's work as an investigative journalist has been featured by the *Philippine Daily Inquirer* in its banner headline. I recall that on 1 January 2012, we started the year with your work.

Okay, I borrowed my title from the book of Roberto Unger, a professor from the Harvard Law School. And in this context it is actually anointing dictatorial power with constitutional piety because that was the role that the law played for legitimating the dictatorship.

And this is basically a summary of what I propose to say in the next twenty minutes: that usually the legal framework for martial law is traced to the September 23—technically September 21—declaration of the martial law Proclamation 1081, when in fact the real foundation was laid one year before with the suspension of the writ of habeas corpus and I will go into the case that upheld that decision.

My larger point actually is rather theoretical and historical, not really legal. My concern is that the best challenge by the liberal lawyers, by liberal legalism as an ideology against Marcos, was that Marcos was telling a lie. Either he was exaggerating the communist threat [or] he was fabricating uprisings here and there; there was no basis for this declaration. And as I will demonstrate, it actually failed to delegitimize the rule of Marcos and that [was] why he persisted from 1973 all the way to his downfall at EDSA 1. And the only true channel really was Left theory, especially at that time emanating from this building [Palma Hall].

But even Left theory had to disguise itself after the [Benigno] "Ninoy" [Aquino] assassination [in 1983] as essentially bourgeois liberalism. My friends who were Maoist one moment suddenly morphed into Jeffersonian liberals. I mean if you do not look behind appearances, but they had to do that to win over the middle forces. That was where the human rights lawyers came in. That is why I had wished that Atty. Rene Saguisag was here. The human rights lawyers formed the core, eventually, of the leadership of the coalition against Marcos.

And this is also the irony. It was, in fact, Marcos who looked for an alternative theory between liberalism, imported from the West, and the left-wing orthodoxy. Marcos wrote three books¹ to justify that—I understand ghost written by members of the [UP] Social Sciences and Philosophy faculty, I will ask you later Malou [Propesor Camagay] for some names. And that well, of course, the ideological experiment failed really with the downfall of Marcos.

My examples—since I mentioned that Dean Bacungan was my professor when he was dean, and I have many students here, my examples will really sound dated to you. It shows my age.

This is from my favorite movie, *The Godfather*. So, I guess the kids here have not seen *The Godfather*, have you, right? Or maybe you have encountered it as a video game. So, this is one line from *The Godfather*: "A lawyer with his briefcase can steal more than a hundred men with guns." Actually, that is a part of a dialogue and the next one shows you the response to that. It was uttered by the lawyer of the godfather, the head of the mafia, Vito Corleone. His *consigliere*, his lawyer, his adviser was an Irish lawyer who said the line. And the response was given by his son, the hot-tempered successor to the Corleone family who said: "Hey kid, if you have a hundred guys with guns on your side, whatever you do, do not trade them in for some fucking lawyers!"

So, let me have a survey here: Who among you agree with the Irish lawyer who says that the most potent ally is the lawyer with the briefcase? Anyone here? No takers? I mean that is the ideology of the entire Malcolm Hall. So, who is on the side of Sonny Corleone? Who is on the side of the men with guns? Well, if you side with the men with guns, then you actually affirm the classic wisdom of Niccolo Machiavelli: "It is better to be feared than loved." And I am sure you take this in—

<sup>1.</sup> Sa bandang dulo ng forum, sasagutin ni Propesor Camagay ang isyung ito. Ayon sa kanya, ang tinutukoy dito ay ang librong Tadhana: The History of the Filipino People. Isinulat ng mga historyador—karamihan sa kanila galing sa Departamento ng Kasaysayan ng UP—ang librong ito sa ngalan ni Marcos (tingnan ang tala 9 sa Forum 3 para sa mga puwedeng masangguning batis tungkol sa Tadhana). Sa palagay ng mga patnugot ng Kasarinlan, hindi ito ang tinutukoy ni Pangalangan kundi ang alin man sa mga ito: Today's Revolution: Democracy (Marcos 1971), Notes on the New Society in the Philippines (Marcos 1973), Notes on the New Society of the Philippines II: The Rebellion of the Poor (Marcos 1976), The Democratic Revolution in the Philippines (na kumbinasyon lamang ng unang dalawang nabanggit na titulo) (Marcos 1974) at Five Years of the New Society (Marcos 1978). Gayunpaman, ni sa bulung-bulungan hindi nasabing ipinasulat ni Marcos ang mga librong ito sa mga taga-UP. Ang madalas mabanggit na tagasulat ni Marcos ng mga librong ito sa introduksyon).

I believe this subject is now called Soc Sci 2 [Social Sciences 2], right? It was called Social and Political Thought during my time. [It was] the first subject I taught when I was a Political Science instructor. But notice the bottom code: never attempt to win by force if it can be won by deception. And that is where the lawyers come in.

My next slide, this is actually a summary. I do not expect you to note the details. This is just to give you a survey. Marcos, as Dean Bacungan emphasizes, was properly elected as president in 1965, served one term as president—that [was] a four-year term—and the first president to be reelected under the 1935 Constitution for a second term which was about to end in 1973. And then he started getting ideas and fortunately for him-and I say this deliberately-by that time, the student movement was reaching a crescendo—the First Quarter Storm, the Diliman Commune, the historic bombing at Plaza Miranda of August 1971-and the suspension of the writ of habeas corpus was validated by the Supreme Court in a case I will quote for the non-law people, Lansang v. Garcia [G.R. No. L-33964, 11 December 1971] is a case I keep on talking about.

In September 1972, Marcos declared martial law. He ruled under martial law powers from September 1972 to January 1973. So that is the whole month of October, November, December—so, roughly three and a half months-and then he foisted upon us this totally bogus ratification of the 1973 Constitution. And then again, a case that I will keep on talking about, Javellana v. Executive Secretary, G.R. No. L 36142, 31 March 1973]. Again just to fast track it, by 1986 we had a snap election and [Corazon] "Cory" [Aquino] [became] president and by 1987 we have the current 1987 Constitution.

My last slide is like a chart. The power of Marcos morphed over that period. So, from the standpoint of a person being tortured, from the standpoint of the student whose fingernails are being pulled with pliers, from the standpoint of Hilao v. Marcos [No. 95-15779, argued and submitted 18 June 1996; decided 17 December 1996 - a student was captured, tortured, detained at V. Luna [the Armed Forces of the Philippines Medical Center and then the autopsy report says she voluntarily drank a bottle of acid. That was the official report. From the standpoint of the victims, the power never changed. You get hit on the head, you get hit on the head. Your eveballs get plucked out, your eyeballs get plucked out. But from the standpoint of the lawyers, it mattered, how you legally characterize the power.

As Dean Bacungan said, from 1965 to 1972, [Marcos] was the duly elected president who took his oath under the 1935 Constitution. Between September 1972 to January 1973, he governed purely under the very clause—I am so glad Dean Bacungan showed you, and to give you a flavor of the language—the "commander-in-chief" clause. So, it was pure military power in those three and a half months. But notice by January 1973, the entire power changed because by then, by legal fiction, we have a new constitution. And Marcos then supposedly consulted the people who said, yes, we like the new constitution but please do not put the parliamentary system in place and please exercise the powers of the president under the 1935 Constitution, and the prime minister and the president under the 1973 Constitution. And so he ruled under that power until 1981.

In 1981, we had paper lifting of martial law. And he was actually elected to a fresh term of office, fully constitutional, if you just go by the paper trail. And the six-year term would have ended in 1987, except that he was under so much pressure from the popular movement. So notice, if he called for special elections in 1986, it was not because of any constitutional duty, it was purely upon political pressure. It was pressure from below, from all the protests and rallies. So, he called for the snap election and it was challenged before the Supreme Court as unconstitutional. As in fact it was. Yet the Supreme Court bent over backwards, again showing that the court is a creature of politics and we ourselves as Filipinos as the sovereign Filipino nation, nobody complained because we wanted the elections to proceed. And then Cory [Aquino] took her oath—she could not have taken her oath under the existing constitution then, so she had to come up with a Freedom Constitution, something written by Adolfo Azcuna. He was assigned. You know, in the frenzy of the revolution, someone had to draft the constitution. "You! Sit down and write it!" So, he wrote it, the Freedom Constitution under which we were governed until 1987. And then we have the 1987 Constitution.

I begin with what I consider the real foundation of martial law powers: the illegal arrest of 1971, in *Teodosio Lansang v. Garcia*. It was a series of many cases. One of those arrested is actually present [here], Gary Olivar. [*Humarap si Pangalangan kay Gary Olivar.*] Gary, you were then second year college? And you were how old?

## **GARY OLIVAR:** Nineteen.

PANGALANGAN: You were nineteen years old. Gary was arrested together with Teodosio Lansang. Gary was charged under the Anti-Subversion Law. They were charged as communists, as subversives. And notice the liberal defense is that, "Hey, that is not true, they are not communists." Well then, Gary you can tell me whether that is true or not. I have got to tell you, it does not take a detective to know. Teodosio Lansang was teaching here in the CAS [College of Arts and Sciences faculty at that time. He was teaching foreign languages. What language was he teaching that time? Russian! [For] God's sake!

I will not go through all the cases but Garcia-Padilla v. Ponce Enrile [G.R. No. L-61388, 20 April 1983] is very close to my heart. And this is a whole series of illegal arrest cases. Garcia-Padilla was a faculty member of [UP Manila]-that [was] Sabino "Abe" Garcia-Padilla, my brod in Alpha Sigma. Abe was captured in Nueva Vizcaya when the military raided an NPA [New People's Army] safe house. And instead of just arresting a doctor-it was a clinic of a doctor, Aurora Parongthey camped out inside the house and each time someone rang the doorbell, they welcomed the person and arrested him. One of them was Abe. Abe passed away less than one year ago and I just wanted to mention the historic case of Garcia-Padilla.

As I will demonstrate later, Lansang v. Garcia was seen as a blow against Marcos. That was the favored interpretation of my era. My professor then in the College of Law in this subject was Miriam Defensor-Santiago. My other professor was Haydee Yorac. So both terror professors. Guess who was more terrifying, Haydee or Miriam? Yes, absolutely. Haydee was more terrifying than Miriam. Miriam was very motherly. She was scary but motherly. So, you can imagine, these two professors were anti-Marcos and they liked Lansang v. Garcia. So by their narrative, by the canonical account to my generation of law students, Lansang was a good decision. Why? Because before Lansang, all commander-in-chief decisions were beyond judicial review. I mean, how can judges pass over the decision of the commander-in-chief on whether or not there is not enough trouble, whether or not there are enough soldiers, whether or not the communists have grown to a threatening proportion. It was a pure judgment call by the president. That was the ruling doctrine then.

So, for Lansang v. Garcia to say that it will exercise judicial review was, for the likes of Haydee and Miriam, the assertion of the primacy of civilian authority over the military, the primacy of the courts over the commander-in-chief powers. And it was very well crafted. The goal

of the court is merely to check the executive, not to supplant it. It was merely to ascertain whether or not he has gone beyond the constitutional limits, the limits read to you by Dean Bacungan earlier, and not to exercise the power in his behalf, not to second guess the discretion of the chief executive. Everyone was singing hallelujahs to *Lansang v. Garcia*. I will go back to this case later.

Next one, Javellana v. Executive Secretary. Even the justices of the Supreme Court said that the 1973 Constitution had not been ratified properly. You needed a plebiscite. You need to count the votes. The votes had to be secret. All that Marcos had-we were already under martial law—was a so-called People's Assembly with a mere show of hands and asked the question, "Do you approve of the new constitution?" Of course, they all said yes. "Do you still want a plebiscite?" They all said, "No, we do not want [one] anymore." And Marcos said, "Hey, we have a valid constitution." It was challenged before the Court, i.e., Javellana v. Executive Secretary. And the court said, "Hey, it is perfectly okay." And one justice said, "Even in my own neighborhood we did not have that plebiscite. Even in my own neighborhood, I, a justice, never took part in the ratification of the [constitution]." Despite that, the 1973 Constitution took effect. And notice the logic, this is logic which is squarely within the framework of liberal theory. They said: If the people had staged a revolution and established a new government by arms, would you say this is unconstitutional? And the court says, "Well, if the people staged a revolution, but peacefully, without force, why should we disadvantage them? We should be equally nice to those who changed the constitution peacefully, rather than by violence."

There are now two strings of reasoning: Lansang, which was highly praised by the democratic forces and Javellana, which was widely criticized by the democrats because it disregarded the test of strict legality and replaced strict legality with political reality after the fact, post hoc. Notice that until today, the orthodox is that Lansang is good news because, again Dean Bacungan read to you the 1987 Constitution, we codified the language of Lansang into the commander-in-chief clause of the 1987 Constitution.

This [was] what that court said in *Lansang*. Notice that they agonize over the decision on 5 October [1971]: "[The Supreme Court] . . . tentatively arrived at a consensus that it may inquire in order to satisfy itself of the existence of the factual bases for the" suspension of the writ of habeas corpus . . . "Upon further deliberation, the members of the Court are now unanimous in the conviction that it has the authority

to inquire into the existence of said factual bases . . ." So, notice that there was a change in the temperament of the court, and for me that was a mystery. Why the change?

Until, later on, I read this book, the diaries of Marcos.<sup>2</sup> When Marcos fled, apparently, he left his diaries in Malacañang and someone published the diaries in a book. It turns out, Marcos was monitoring the decision of the court in Lansang v. Garcia. So Marites, what is happening today about the lobbying within the court is old hat. Marcos had a mole inside the Supreme Court, and Dean Bacungan, I am just reading from the [Marcos] diaries, it was Fred Ruiz Castro. It says: "The President had a spy. One of the justices, Fred Ruiz Castro, a fellow native of Laoag, a senior appointee. Castro came to dine with the President on September 16. It was an extraordinary session far outside the norms of judicial decorum and wholly disdainful of any notions of separation of powers"—something that Marites has developed in her book. I hope more examples, Marites, and more recent episodes. "Castro told Marcos, 'I think we have enough votes.' But [Castro] said, 'If you want more votes, lift the suspension of the writ in some regions of the country, a partial lifting, so that we can get a unanimous vote." The prospect of a unanimous vote had enormous appeal to the president. So what he did was [to] travel to Cebu on a Saturday, restored the writ in Cebu, it appeared on the Sunday papers, just in time for the en banc session on Monday. So, you know the timing was impeccable. And this is what Marcos said after he was told that the court was unanimous: "It was euphoric. A red letter day. The biggest legal victory in my administration," he said. "It electrified everyone."

The weird thing was that the matter at that time was already academic because he kept on having a partial restoration of the writ just to have a unanimous vote. And in fact the diary said that: "People do not know why I am ecstatic about this case. Because the Supreme Court already acknowledged the existence of the rebellion. This means I can place the Philippines under Martial Law."

My first problem: If Lansang was a high moment for the anti-Marcos people, then why was Marcos so happy? Why the gap between the legal imagination which says that Lansang was good for liberty, and the realist mind which says that Lansang was good for martial law? And the answer actually came from Perfecto Fernandez, my other professor.

<sup>2.</sup> Maaaring ang tinutukoy dito ni Pangalangan ay ang Delusions of a Dictator: The Mind of Marcos as Revealed in His Secret Diaries ni William C. Rempel (1993).

Fernandez said the court purported to review the suspension of the writ. It did not wash its hands. It says, "Look, we will review [it]." But it adopted a very low threshold for validity, namely whether the decision was totally bereft of any factual basis which will make it an arbitrary decision. In other words, in order to validate the decision for the court, it will need evidence. Where will you get an evidence for a rebellion? You get it from the commander-in-chief. In other words, you are asking the guy to supply evidence to support his own decision and obviously the guy will always have the factual grounds for his decision. So, notice my first problem was that *Lansang*, far from being a score for democracy, was actually part of a grave digger for democracy (*basahin ang* appendix 4.4, 475–78).

I will proceed to my second problem. The likes of Yorac and Defensor-Santiago-I use them, Dean Bacungan, as examples only because they were my actual professors who expressed these opinions criticized Javellana for abandoning the test of strict legality. Well guys, when Cory Aguino took over in 1986, it was also challenged before the court. And what was the reasoning of the court to validate Cory? It was exactly the reasoning in Javellana. Cory's rise to power was not due to the constitutional processes. In fact, it was achieved in violation of the 1973 Constitution because it was Marcos who officially won the snap elections. But the people have accepted Cory, And Cory, being in effective control of the entire country, the legitimacy of her government was not justiciable but belongs to the realm of politics where only the people are judge. So, notice if it was so bad and so stupid and so foolish when it was done by Marcos, why should it be so nice when the same thing was done by Cory? In other words, liberal constitutionalism could not provide a solid, intellectually respectable answer to Javellana v. Executive Secretary.

The weird thing was, at EDSA 2, the Supreme Court was expected to do the same thing they would have done in *Javellana v. Executive Secretary*, except that suddenly, the court suddenly applied—well, pretended to apply—the test of legality (*Estrada v. Desierto*). The court said that "Well, I think we can say that he [President Joseph Ejercito "Erap" Estrada] actually resigned." The weird thing was that they were relying upon [entries in] the Angara diary, which were not even presented before the court, which were published by the [*Philippine Daily*] *Inquirer*,<sup>3</sup> and on that basis validated the oath-taking of Gloria

Nalathala sa Philippine Daily Inquirer 4-6 Pebrero 2001 ang mga tala mula sa diary ni Edgardo Angara, na noon ay executive secretary ni Pangulong Joseph Ejercito Estrada.

[Macapagal-]Arroyo and of course, sealed the fate of our country for the next ten years.

So, my second problem is: If the liberals were correct and Javellana's abandonment of strict legality was a low moment, was bad news, then why would the Cory [Aquino] Supreme Court, rely on the same bad theory to validate EDSA 1, something which is universally applauded in the Philippines today? And conversely, if Lansang's insistence on judicial supremacy was a high moment, then why would the court apply strict legality to validate EDSA 2?

But I will now proceed to my third point—and this is why I was hoping that Rene Saguisag would be here—[which] is an indictment of the legal profession. Problem number three: the worst they can say was that Marcos was lying. And indeed he was lying on one point: the fake ambush of [Juan Ponce] Enrile. Well, for the youngsters here, the immediate cause for the proclamation of martial law was that Enrile was coming from playing golf at Wack Wack and then he was ambushed on his way out. And then, when Marcos was about to fall in 1986, Enrile said, "Oh, we staged that thing. It was all fake. Do not believe it." Well, he had a biography recently and apparently he changed his mind (Enrile 2012).

So, the *Inquirer* took him up on the fake ambush.<sup>4</sup> But notice, apart from the fake ambush, I think Marcos was telling the truth. Was there a rising left-wing presence in the country? We are talking about ground zero for the growth of the Left in the country. So, Ishowing photos to the audience we have the First Quarter Storm next; this is the graduation of 1970-for the law students here, the person carrying "people's war vs. Martial Law" placard, that is Prof. Raffy Morales, a cum laude graduate of political science, class valedictorian of the UP College of Law, managing partner of the Sycip law office [SyCip Salazar Hernandez & Gatmaitan], the largest law office in the country today. I asked him why he carried that, because the other slogans were a bit milder, he said, "I did not know, they just passed me a placard and I carried it. And when I saw the pictures it turned out that that was what I was carrying." [Still showing photos] I do not know if you guys are aware that there was a Diliman Commune once upon a time. [Pointing to the picture being shown That is the College of Mass Communication. So you will notice that some trees have since grown

<sup>4.</sup> Inquirer Research, "True or False: Was 1972 Enrile Ambush Faked?" Philippine Daily Inquirer, 8 October 2012, http://newsinfo.inquirer.net/284836/true-orfalse-was-1972-enrile-ambush-faked.

in that part of the campus. The next slide, that is the first floor of AS [then the College of Arts and Sciences], Palma Hall, as I am sure you recognize and those are the AS steps. Somewhere in the crowd [there was] President SP [Salvador P.] Lopez, the guy in the suit. And of course the next one, Plaza Miranda. Well this is . . . Plaza Miranda, someone threw a grenade at the miting de avance of the Liberal Party, almost killing Sen. [Jovito] Salonga. Marcos blamed the communists.

Liberal orthodoxy says that Marcos was telling a lie. Well, I have come across many accounts from former communists saying that Marcos was telling the truth.<sup>5</sup> And that the guy who threw the grenade was actually a very bright lumpen element, who was specifically chosen for the task by the highest officers of the Party [Communist Party of the Philippines].

In other words, for me, liberal theory fails to come to grips with the fact of a left-wing revolution. And the next slide is the announcement of the declaration of martial law. I will go back to this point later. The slogan of Marcos was, "I declared martial law to save the Republic and to reform society." The "saving the Republic" part is pure commander-in-chief; "reform society" is not part of commander-in-chief powers, which brings us then to the real conundrum.

You know, if liberalism really was so delegitimized by the time Marcos declared martial law, why its enduring allure for the Filipinos? Today the rhetoric of the rule of law is a very powerful rhetoric. We continue to romanticize judicial review. We celebrate it as sober and rational as against the political power. You know the raw power of the Marcos regime. The people are stupid, uneducated and, and impulsive. And for me, especially as a law professor, it positions law as a secular religion and the lawyers as a secular priesthood. But I think there is a gap. And this is a description from a philosopher [Roberto Mangabeira Unger]. He is describing Brazil, but the first time I read this I felt he was describing my country:

The most striking fact about the social imagination of the elites was a particular incongruity between the spiritual ideals they had accepted as properly governing the life of the society and

Tatlong personalidad ang sumusuporta sa puntong ito ni Pangalangan: sina retiradong heneral Victor Corpus (1989), si Ruben Guevarra (1998), at dating senador Jovito Salonga (2001). Mariin at paulit-ulit na itinatanggi ni Jose Maria Sison ang paratang na ito.

the vision of social life they in fact lived out in their relations to one another and to their subordinates. (Unger 2004, 73)

So, at the level of professed beliefs, we are liberals in the Philippines in terms of our unofficial ideology.

But their actual social life was another story . . . . There they treated each other as patrons and clients and traded in favors and dependencies. (Unger 2004, 73)

This is fully demonstrated, Marites, in your book, that the official decisions of the court will be rendered as if they are the product of proper legal analysis and yet if you look at the maneuverings behind that, it is all horse trading under the table. The formation of alliances are here and there. And here for me, it is almost a description of us as Filipinos.

There they showed their almost complete disbelief in all institutions not founded on blood, property, or power. There they acted as if a moment of personal presence were worth a thousand promises and as if any exercise of power could be tolerated as long as the veil of sentiment covered it. (Unger 2004, 73)

And my last slide: the crisis then for liberalism found a refuge in law, in fact, specifically human rights discourse where the left felt it could engage the traditional politicians on a safe ground and talk among themselves as if they shared a common point of reference—the language of the law, the language of the constitution, and the language of the Bill of Rights. What happens, however, and especially for my discipline, is that it positions the "law as reason encoded in the doings and dreams of power" (Unger 1996, 23). In other words, it celebrates the law as if it were the embodiment of reason, when in fact it was the embodiment of compromises, and dirty compromises at a deeper level, and which lead this author to say that—and I do not know if Dean Bacungan will agree with me—law professors are "like priests who have lost their faith but kept their jobs."

MARITES DANGUILAN-VITUG (EDITOR-AT-LARGE, RAPPLER): Good afternoon sa inyong lahat. Since I am the only non-lawyer in the panel, I decided to focus on the memory part. Keeping the memory of the

martial law—I am also a journalist, so that is one of my main interests. Why is there a scarce popular documentation of the legal sleight of hand that was behind martial law? My co-panelists have given us authoritative accounts of the legal thinking that went into martial law. As a journalist, I will look [at] why a gap exists between history and the popular consciousness.

Advertisement for ourselves: When my colleague, Criselda Yabes—she is here—and I were working on this book, *Our Rights, Our Victories* (Vitug and Yabes 2011), we tried to popularize landmark cases in the Supreme Court and one of them is *Javellana v. Executive Secretary*. We found out that while we do have access—as Dean Bacungan said, you can download decisions and opinions, we do have access to these, and also on the habeas corpus cases—what we do not have is a popular version for non-lawyers, for the general public, on the characters who had first-hand experiences, who participated in the shaping of martial law: their insights, their diaries, their thoughts, and regrets, if any.

For example, we encountered dead ends—and I think this speaks sadly of the state of our archives. The Supreme Court has no copy of the transcript of records of the oral arguments on the historic *Javellana v. Executive Secretary* case. Our national library does not have it either. Neither does the UP College of Law nor the libraries of Senator Jovito Salonga, the late Senator Jose Diokno, and the late Chief Justice Roberto Concepcion, and we met a dead end.

So, why did we want to read this? Because oral arguments are quite important. I encourage the students to watch and listen to the oral arguments of the Supreme Court. It can be boring but you will get to know how the justices think. So lawyers face the Supreme Court and make their case for or against an issue. I find oral arguments very instructive because they give us an insight on how the justices think. We must remember that they are supposed to be like monks: they are not supposed to be seen, they are just supposed to speak through their decisions. So, when you listen to the oral arguments, you get an idea of how they think based on the questions they ask. If we have these transcripts, we would know how Estelito Mendoza, then the solicitor general, argued for martial law. And how Lorenzo Tañada and Jovito Salonga argued against it with color, with the flavor of their language. We would know the kinds of questions the justices asked, and how the counsels on both sides answered. We would have a sense of historic deliberations, a feel for the event, and a flavor of the conversation that was taking place then. We would have seen some color in what was otherwise perhaps a very grim discussion.

So, personalities who had first-hand experiences of this defining moment in our history sadly declined to talk to us. For example, Senator Joker Arroyo, who was with Tañada, Salonga, and Diokno then. On the other side, former Chief Justice Reynato Puno did not also grant us an interview. In the case of Puno, he has managed to hide this part of his past because he was not as visible as Mendoza and because of his rhetoric.

Another advertisement for myself: When I was researching on Puno for my book, *Shadow of Doubt* (Vitug 2010), which was my first book on the Supreme Court, I found out that Puno was one of Estelito Mendoza's second-tier lawyers, his co-defender of martial law. Puno was working with the Office of the Solicitor General when martial law was declared and during martial law he stayed on as counsel of government for eleven years. He appeared in the Supreme Court during the oral arguments on martial law, including *Javellana v. Executive Secretary*. But listen to this: more than three decades after the declaration of martial law, Puno described the regime he helped perpetuate as one of, and I quote, "a slaughter of rights." A period when the constitution was "sent to the shredding machine."

We found an account of a journalist who worked with the wire agencies then and who is now with the *Inquirer*, Fernando del Mundo. He covered one of the oral arguments and remembered Puno vividly as part of Mendoza's panel. Appearing in one tragic hearing, here is his account: "He appeared in one tragic hearing four months after martial law was declared in September 1972, on an opposition petition asking the Supreme Court to act and stop Marcos from promulgating a decision of a rump plebiscite"—which Professor Pangalangan discussed extensively—"In the midst of the debate in the Supreme Court, news was relayed to the Supreme Court that Marcos at that very moment has just issued in Malacañang a decree proclaiming that the plebiscite was approved by viva voce vote and the constitution that he said was now in effect." So, while they were deliberating in the court, mayroon na palang decree si Marcos and this is what del Mundo wrote: "Caught flatfooted, the justices looked stunned. The Court later issued a decision declaring the petition argued by Lorenzo Tañada and the other opposition lights of the time—Jose Diokno, Francisco 'Soc' Rodrigo, Iovito Salonga, Sedfrey Ordoñez, Joker Arroyo-moot and academic."

Another thing, an important point is we lack memoirs and independent biographies, those not commissioned by the subjects. In our research for *Our Rights, Our Victories*, we found some papers of Chief

Justice Concepcion, thanks to his grandson who is teaching here in UP—I forgot what department—who lent us the papers of his grandfather. Concepcion was the chief justice when Javellana was decided. He dissented and later resigned from the court. But no one has written a book about Concepcion and [he] did not leave any of his memoirs. We do not have biographies or memoirs of justices who sat in the Supreme Court during the martial law years. In fact, notes of justices should be turned over to our national libraries or archives so that the public can have access to them. I actually envy the journalist and historians in the US because when they write biographies, they make references to diaries, notes, memos of public officials, including justices. They are available for public use. Perhaps as a result of these and the lack of classroom discussions on martial law, students today hardly remember this period in our history, and hardly know the roles certain personalities played during these dark years. In fact, Chief Justice Puno became a professor emeritus pa sa UP College of Law. He is very well regarded.

Again in 2012, Cris Yabes attended a talk given by Estelito Mendoza at the UP College of Law. Unfortunately, I was not able to go, and she said that she was surprised that the students did not ask tough or incisive questions on Mendoza's role in the shaping of martial law. No critical questions and she said some of the students were even giggling, apparently thrilled by Mendoza's presence, sharp mind, and wit.

The last point I will talk about is the lack of literature on Marcos and his relationship, both personal and official, with the Supreme Court justices—as mentioned in the diaries written by a foreign author, the "coziness" of his dealings with the co-equal but independent branch of the government (basahin ang appendix 4.5, 479–84). As we know the justices should avoid meeting with the president because the executive department has pending cases with the Supreme Court and of course they are co-equal and separate departments. But if you go to the actual entries of the Marcos diary—and I will show you some of them later—he called some of them to the Palace for meetings and dinner. At least in the time of President [Benigno Simeon] Aquino [III], he only had one lunch with Renato Corona at the house of his sister in Green Meadows but that is another story.

I will show you a few excerpts from the Marcos diaries, the actual entries, which I hope you can go over, and because they can provide leads and information, which historians can check and use. These excerpts will show the relationship between Marcos and the justices

was not simply one way, that he dictated on them. In fact, the justices played along and they also had a self-interest to protect, like they wanted to stay on in the Supreme Court. So if you see, September, a year before Martial Law—we all know the secret, Fred Ruiz Castro was the great spy—so the 15 September 1971 entry, I will just read briefly: "Justice Fred Ruiz Castro"—this is Marcos writing in his diary—"taking lunch with Senator [Jose] Roy at the request of the former, suggested that I lift the suspension of the writ of habeas corpus first in the Visayas, then in Mindanao. He believes that this will make the Supreme Court decision unanimous," etc. (basahin ang appendix 4.6, 485-90). And then, I did not put it in the slide, but on September 16, the day after, his entry says: "I had dinner with Justice Fred Ruiz Castro, and Senator Roy, and he affirmed that, one, the justices believe that there is a rebellion but not all over the Philippines; that if I lift the suspension in the Visayas, Mindanao, and some provinces of Luzon, the decision to uphold my proclamation would be unanimous" (basahin ang appendix 4.7, 491-96). And then September 18, two days later, another entry of Marcos: "I'm also disturbed by the statement of Justice Fred Ruiz Castro that the justices are only human, affected by media, demonstrations, and propaganda or which is otherwise known as public opinion" (basahin ang appendix 4.8, 497-502).

So, a year later, on 24 September 1972, another entry of Marcos—this is quite interesting—he says: "Diokno, Chino Roces, Max Soliven, etc. have filed a petition for a writ of habeas corpus before the Supreme Court." Again, he talked to Teehankee, Barredo, Makasiar, and Antonio. He said, he asked them to see him and they insisted that the government should submit to the Supreme Court for the court to review the proclamation of martial law. And then Marcos said: "I told them in the presence of secretaries Ponce Enrile, Vicente Abad Santos, as well as Solicitor General Estelito Mendoza, that if necessary, I will formally declare the establishment of a revolutionary government so that I can formally disregard the actions of the Supreme Court" (basahin ang appendix 4.9, 503–08). He had more detailed entries. Actually you can get the complete entries from the PCGG [Presidential Commission on Good Government] library, I got it from there.

On 25 September 1972, again, "Met justices Fred Ruiz Castro and Salvador Esguerra as a *consulta*." "Consulta" is a term they use in the Supreme Court. When they say *consulta*, [they meant], "I would like to seek your advice or your opinion." Marcos said: "I told them I need their help and counsel because we must keep all the actuations within

constitutional limits . . . . Justice Esguerra said he feels that it is a legitimate exercise of martial law" (basahin ang appendix 4.10, 509–16). Then another entry is also interesting: 11 October 1972 he met again with the great spy, Justice Fred Ruiz Castro, and then Marcos said: "I met Justice Fred Ruiz Castro. He has told the Chief Justice"—referring to Concepcion—"of my request that there be no direct confrontation between me and the Supreme Court. Justice Castro called attention to the fact that in all the cases they have studied, the US Supreme Court decided the cases after martial law was over. I believe they will do this" (basahin ang appendix 4.11, 517–24).

On 14 November 1972, the entry of Marcos reads: "Estelito Mendoza reports that Justice Fred Ruiz Castro has the decision upholding the constitutionality of RA [Republic Act] 1700 with only Iustice [Enrique] Fernando dissenting and [Calixto] Zaldivar riding the fence. But the justices would not allow him to promulgate it. I asked him to expedite its promulgation" (basahin ang appendix 4.12, 525-30). When I was reading this, I was really shocked because, of course, this is all not allowed between the Executive and the Supreme Court. Another entry, 19 December [1972] Marcos said: "In my conference with Justice Antonio Barredo tonight at 8:30 p.m., at my request, it seems that the justices are concerned about the constitutional provision that they may be replaced by me, by the appointment of their successors. He suggested that I issue a policy statement, that notwithstanding this provision, I wouldn't use the power" (basahin ang appendix 4.13, 531-34). So they were also asking for something from Marcos. Then another entry 20 December [1972], he said "[met] justices Fred Castro, Dindong Teehankee, Felix Makasiar, Tony Barredo, Salvador Esguerra, and Felix Antonio. They recommended suspension of the effects of the Martial Law, during the campaign for the Constitution," etc. (basahin ang appendix 4.14, 535-38).

This one is a reaction. You know we were never sure if Marcos is telling the truth, so it is best to also check the news reports or other documents. But on 23 December 1972, it is a very interesting entry when he said: "I am nauseated by the selfish motivation of the Supreme Court in questioning the power of the president to appropriate funds for the plebiscite when all along, all they wanted was my promise that I would not exercise the power, granted me by the new Constitution to remove them from the Supreme Court!!"—two exclamation points pa (basahin ang appendix 4.15, 539–44).

And the second to the last [slide]. Again, on 27 January 1973, he had dinner with the justices in Malacañang. Maybe if I were a reporter covering Malacañang, I would have loved to wait for the justices after they left the room. He says: "It is apparent that the other justices are in favor of dismissing the petitions, questioning the validity of the ratification of the New Constitution. But they want to be assured of their continuance in office." And then here is interesting: "Everybody else has accepted the New Constitution and as we put it in the dinner conference we held tonight, how do the justices expect us to 'unscramble the eggs already scrambled'?" He said: "We have to handle them with finesse as the Supreme Court might become the rallying point of the opponents of reform" (basahin ang appendix 4.16, 545–46).

Then the last slide [Marcos's diary entry, 29 January 1973]: "The dinner with the Justices without the Chief Justice Concepcion who is sick in Sto. Tomas Hospital turned out well" (basahin ang appendix 4.17, 547–48). I was not able to go over the other entries but I think there is a need for popularly written, maybe a book or a paper that will show how Marcos related with the justices, and of course, after forty-one years look at what a lack of our memory has brought us.

## RENE A. V. SAGUISAG (DATING SENADOR, REPUBLIKA NG PILIPINAS): [Dahil sa karamdaman, hindi nakarating si dating senador Saguisag sa forum, pero nagemail siya sa TWSC para sa kanyang sagot sa mga tanong ng Sentro na kanya sanang tatalakayin sa kanyang panayam. Binasa sa forum ni Propesor Camagay ang maiksing email ni Senador Saguisag.]

Unang tanong: "Paano kinasangkapan ni Marcos ang batas upang maisakatuparan at panatilihin ang sarili at mga kaalyadong pulitiko sa kapangyarihan?"

Naging superexecutive, supercourt, superlegislature, at one-man Constitutional Convention (Amendment No. 6) si Macoy [Ferdinand Marcos] (basahin ang appendices 4.18, 549-60, at 4.19, 561-72). Mas matindi kung ang mensahe ay: "The First Lady wants this."

Pangalawang tanong: "Bakit hindi gaano pinag-uusapan ang naging pagbuo sa legal na balangkas na sumuporta sa diktadurya?"

Pangamba at lagim. Sanay ang Pinoy na maging lahing alipin. Kastila, Ingles, Kano, Hapon, Kano ulit, at Ilokano ang naghaharing uri. Saludo tayo.

Pangatlong tanong: "Ang pangkaraniwang dahilan na ibinibigay ng mga grupo at indibidwal na naging bahagi ng rehimeng Marcos na pinagsilbihan nila ang diktadurya sa paniniwalang maaari nilang mabawasan ang dahas ng kamay na bakal ni Marcos kung sila ay nasa kapangyarihan. Maaari kayang may parehong sentimyento ang hudikatura lalo na ang Kataas-taasang Hukuman sa usaping ito. Ano kaya ang maaaring ginawa ng hudikatura upang pigilan ang deklarasyon at tuluyang pagpapairal ng batas militar noon."

Good Filipinos, gaya ng good Germans ni [Adolf] Hitler, gaya ng mga abugado noon sa Alemanya who obeyed as law anything calling itself by that name and was printed at government expense. Nuremberg ruled that was wrong.

Panghuling tanong: "Sa inyong pakiwari, sa konteksto ng kontemporaryong kulturang pulitikal at katangian ng hudikatura, maaari pa kayang maulit ang pagmamanipula ng Konstitusyon at ang pagbrabraso ng ehekutibong sangay ng pamahalaan dito?"

Nangyari ito kay Erap na sinabi ng Korte Suprema na nag-resign base sa Angara [diary]. We have to be eternally vigilant.

## MALAYANG TALAKAYAN

**CAMAGAY:** Very interesting insights. The floor is now open to questions. We encourage the students to come forward, and first, identify themselves. Any questions from the floor? *Kungwalang* questions from the students, the other members of the audience? Gary [Olivar], would you like to start?

Probably while waiting for questions from the floor, I really appreciate the observation that we are not very good in keeping records or sources, especially in the contemporary part of our history. In fact, even presidential papers, they should be properly held. In the US, I know presidential papers are really kept, but here in the Philippines, some are found in the National Library, like the Quezon papers. But there are some that are still not released by the families, like the Garcia papers, they are still with the son-in-law of President Carlos P. Garcia. So that is really a problem, so if in the executive branch we have that kind of problem, lalo na sa judicial. So it makes it very difficult because you need [pieces of] evidence to corroborate your assertions. Second, the concept of biographies. I do not know—the Americans, they love biographies, either artista or political figures. But here I notice the only biographies that we have are usually done by foreigners. There seems to be a problem of revealing things to fellow Filipinos. And Filipinos open up easily to foreigners. For example, I am referring to the book An Anarchy of Families (McCoy 1993), if you look at all the works there, they were written by foreigners, Americans particularly. So, there is that kind of historiographical problem which confronts us Filipinos. The third probably is there is hesistancy to write about very recent past. It is still fresh. That is why some historians love to write about the Spanish period. Pero iyong contemporary, ang daming skeletons in the closet. Like for example, the information revealed in the books of Marites, really are, you know, mind-boggling. We see Puno, we see him in a new light. Because he is so revered, but he had pala this dark past of being part of the martial law period. So, siguro mayroon ding ganitong hesitancies itong mga tao na they do not want to reveal that dark past of theirs and [are] therefore hesitant to write memoirs. They prefer not to write about it. They prefer not to be interviewed about that part of their life. But it is very important. Otherwise, we lose information or data. It might be the dark age of Philippine history if people refuse to write, to be interviewed, to release documents, diaries. Kasi puwede naman iyong diary, basta siguro mayroon lang "Okay, publish it after I die," so you are safe. I recognize from a historical point of view the problem of sources of this particular period.

Any questions from the audience? Yes. Please identify yourself and direct your question to any member of the panel.

RUTH PUNZALAN: So, good afternoon. I am [from] . . . Block A, from Dean Pangalangan's class Con Law 2 [Constitutional Law 2]. So, the title of our forum today is, "Ang mga Pamana at Sumpa ng Rehimeng Marcos." And I guess coming from a Con Law perspective, as Dean Pangalangan has discussed, Lansang v. Garcia, Javellana, and also as Dean Bacungan has also discussed, the provisions of the constitution with regard to the commander-in-chief powers. So those are clearly the pamana of the rehimeng Marcos. But what do you say or think are the sumpa from that particular part of our political history? I guess this question goes to Dean Pangalangan.

**PANGALANGAN:** Thank you, Ruth, for the question. I will address this to the organizers, the "*sumpa*" part is about the . . . Sorry, what does it mean?

CAMAGAY: The bad and the good legacy. Bad is the "sumpa."

**PANGALANGAN:** Okay, so the legacy of those years. Well, thank you for the question, that is a tough one. Well, it might sound too

academic and I do not know how philosophical the organizers wished the discussion to be, but . . . let me just focus on the legal profession. I think the profession is too inward-looking. Exactly as Professor Camagay says, we tend to take seriously our legalese and we accept the trite formula of law as gospel truths. When, in fact, if you read all these decisions, you know with the benefit of forty years [of] hindsight, and with the benefit of the diaries that I and Marites have mentioned, you will realize that the legal arguments were just a cover for other maneuvers which were going on—that is, at one point. But at another point, perhaps also we should really take the arguments seriously and Marcos played that game to the hilt. And that is why if we focused on Lansang and Javellana, these decisions provide the framework of legitimacy. He called his dictatorship constitutional authoritarianism. He said that in [other] parts of the diary he would say that we must always have a veil of constitutionalism for everything that we do. In other words . . . if in the beginning I said we should look beyond the legal rhetoric and see what is really happening. Now, the second problem for me is that we should also take legal rhetoric seriously and see how it structures the debate, see how it legitimizes the arguments of Marcos. I was telling Dean Bacungan earlier and I am so glad that Marites mentioned Justice Puno, at that stage of the work of Estelito Mendoza, he had to rely on highly theoretical and academic lawyers to theorize about the validity of martial law, the suspension of the writ, of illegal arrest. In other words-let me close on this point-the traditional libertarian lawyer confronted with a warrant of arrest against let us say a student activist, like Gary Olivar, the traditional response will be, "Okay fine, I will defend my client. He is accused of being a communist, my reply is he is not a communist. If he wrote this paper. I will say that he wrote this as part of a course he had with Dodong Nemenzo [Professor Francisco Nemenzo of UP]. If he wrote this, it was part of his duties as a member of the student council, etc. If he wrote this in the [Philippine] Collegian, he wrote it as part of his freedom of speech." In other words, it will be a purely fact-based argument along the way. For me, maybe the lawyers should have also looked at the larger picture about the place of radical advocacy within the context of freedom of speech and the constitutional order. And that is why for me, Marcos won that game. He was the only one who played that game. Everyone just regurgitated the tired, old, liberal theories. Marcos explored other arguments. So for me there was a clash: the traditional formula straight from the Bill of Rights citing all these classical statements about freedom of speech and then left-wing orthodoxy which was totally oblivious to legal legitimacy and which would legitimize their cause calls by their own set of slogans anyway. And Marcos knew it was not working and he came in. And that is why his claim of building the New Society, the Bagong Lipunan ideology, [the] revolution from the center, for me, were not just empty attempts to oppose nationalization. For me they were actually attempts to provide an ideological legal ground.

**DANGUILAN-VITUG:** So, can I follow up on the question earlier, who wrote those three books of Marcos? You said they came from UP.

PANGALANGAN: Well, Professor Camagay would know that.

CAMAGAY: Talaga naman ano, Marcos really wanted to change the society. Talagang radical iyong New Society niya, to the point that he had to write books to really trace why there would be a revival of the barangay and so on and so forth. So talagang tinulungan siya ng mga ibang mga kasapi namin sa Departamento ng Kasaysayan. Alam na yata ng iba kung sino sila. But well it is a fact that this was a team, plucked from members of the [UP] Department of History and they really were given a lot of support. In fact, I knew one went to Europe to really look for data. So, they were there in the National Library, they had a special room where they would write. According to them, what they admired in Marcos was when he was given the draft of the manuscript he really read it and did marginal notes on the drafts. So he really was that assiduous naman. It may have been ghost-written but he really read the manuscript which came out. In fact, not the entire manuscript came out. It was overtaken by events but they were able to come out with three volumes of Tadhana [subtitle: A History of the Filipino People]. Iginuhit ng tadhana, kumbaga destiny.

**BELLA LUCAS:** I am from the Center of Integrative and Development Studies. Dr. Camagay *ang tanong ko*, has anybody done a study on the Class '39 of the UP College of Law? That was Marcos's batch, *ano*?

CAMAGAY: Parang wala pa.

LUCAS: Magandang project sa legal history ng mga estudyante, ano?

**CAMAGAY:** Oo. College of Law, attention.

**LUCAS:** Puwedeng oral history iyan, hindi ba? Buhay pa sila hindi ba? May buhay pa?

CAMAGAY: May buhay pa, yes.

LUCAS: Siguro magandang material iyon.

**CAMAGAY:** *Pero iyon nga, ang* experience ng Third World [Studies Center], as far as I know—

**LUCAS:** *Nagre-*reunion *iyang* batches *na iyan, hindi ba?* Are they very close that they do not spill the beans or whatever?

DANGUILAN-VITUG: Baka alam ni Dean Bacungan.

**CAMAGAY:** Baka si Dean Bacungan may alam tungkol doon. Mayroon na po bang nagsulat tungkol sa Class '39?

LUCAS: Sa kanila pong reunion, ano pong pinag-uusapan nila kung nagkikita-kita sila?

**CAMAGAY:** Sino pa bang 1939 na buhay, na classmates ni Marcos? So, well magandang [research] agenda iyan (basahin ang appendix 4.20, 573–76). Okay, may tanong pa ba? Estudyante, ipakilala ang sarili.

ROY DE MESA: Good afternoon po . . . from Block D sa class ni Sir Pangalangan. History major din po dati dito.

**CAMAGAY:** Yes, I remember you.

**DE MESA:** I totally agree with what you said and what Ms. Vitug said about the need to preserve our memories *kasi* main historiographical problem *nga na iyong* sources *natin sobrang kulang*. For example, even in the military, in the US after thirty years, they declassify the documents of their intelligence, *pero dito*, *diretso* shredder *iyon* after ten years. So, *may mga ganoon tayong* problems. This question is directed to you [Professor Camagay] *po*. What do we have? What are the sources that we can work with right now to create a picture in order to popularize the discourse

on martial law? Kasi iyon nga, in our generation ang dami naming hindi alam. Even the historians now they do not really have much to work with.

Another question; this one is directed to Professor Pangalangan. Sir, would you think that more than just the developments of the time, the 1935 Constitution itself, do you think that it is conducive to a dictatorship? *Kasi* sir, if you look at the presidency of, for example Quezon—aside from Marcos, Quezon was a really powerful president and the 1935 Constitution would it have something in it that would allow for such machinations to lead to a dictatorship? Could it be that we adopted it from a time when the US had a very strong presidency in Franklin Roosevelt? Those are my two questions. Thank you.

**CAMAGAY:** Talagang as I said, itong martial law, it is a long process because, well, it is forty years so it is not that distant. So, ang history talaga parang you must have the luxury of distance with the event. But, I am happy to see some works coming out, especially iyong mga evewitness accounts from martial law. Unti-unti lang ang mga lumalabas na iyan. Pati iyong parang biography of a family, iyong Subversive Lives (Quimpo and Quimpo 2012). So unti-unti. Pero iyong official na sabihin mong sources, ito nga binanggit ni Marites [Danguilan-Vitug] iyong tinurnover ng military sa Commission on Human Rights, and that has not been really looked [at]. Hindi pa siya masyado tinitingnan. Parang katuturnover lang . . . We should also get accounts [from] the people themselves. And iyon kasing memoir, hindi tayo masyadong [naniniwala] diyan sa ganyang klaseng sulatin. Ang memoir-because that would have given them the chance to justify and explain their position during the martial law period, pero hindi nga mapagsulat. And probably the culture of writing is not that advanced in us. Pero magandang tayo ang magiinterview kasi mas oral tayo kaysa written. Pero iyon nga ang problema. Pero as far as I know sa experience ng Third World [Studies Center], ang nagbukas lang talaga, ang nagsalita was Virata (Katayama et al., 2010). He was open to being interviewed. The others like [Jaime] Lava, hindi yata very cooperative. And the others who were members of the cabinet, kasi sila iyong talagang makakapagsalita. Kaya nga sabi ko dapat parang may living history na project where you interview them and you see their faces, because there will be non-verbal communication rin, when they pound their hand on the table to assert a strong point or something like that. Pero iyon na nga siguro naman, as they grow older, they will be kinder to themselves. They would like to leave a legacy. They would like

to explain their positions during the martial law period. So, at least may diaries tayo ni Marcos na naiwan. So, talagang ano pa we will still have to build up the newspaper accounts (basahin ang appendix 4.21, 577–88). Mayroon tayong Radical Papers dito sa [UP] Main Library. Puwede rin iyang tingnan. So, siguro unti-unti mayroon tayong written and oral sources on the martial law period. Dean [Pangalangan], your turn.

**PANGALANGAN:** Okay, thank you so much Roy for the question. Well, as Dean Bacungan demonstrated in the 1987 Constitution, we built in all those safeguards against another proclamation of martial law: automatic review of the court [on a petition filed] by any citizen you do not have to be arrested to do that; automatic convening of the congress without need of a call and they can do it anywhere, so even if the congress is padlocked they can do it. But you see, Roy, I agree with you that the 1935 Constitution was written for a strong president, written with Manuel Quezon in mind. But for me, my concern goes beyond that. So for instance, even under the 1987 Constitution, [Gloria Macapagal-] Arroyo tried to avoid all the automatic checks mentioned by Dean Bacungan simply by refusing to call her "state of emergency" suspension of the writ [of habeas corpus] or the operation of martial law, so she went to the court four times. Four times she was challenged before the court for every sort of emergency that she would declare, but she would avoid the language of the constitution. In other words, for me, I would rather not just look at the text, I would rather look at the political, at the political dynamics. And notice again with Arroyo: she declared a [state of] emergency twice. Twice the court obliged. And then the third time, iyong David v. Arroyo [G.R. No. 171396, 3 May 2006], the court said, "Well, we better look at it this time." In other words, for that there were many factors, there was of course the populist pressure, there was the fact that the person arrested was Prof. [Randolf] David of [the UP Department of] Sociology. In other words, for me, I would rather see the language, the text of the constitution as merely part of a political you know, a larger picture, rather than as a controlling text, a stand-alone text.

**CAMAGAY:** May tanong pa ba ang mga estudyante, faculty, other members of the audience? Nawala na si Gary [Olivar]? Ayaw na magsalita ni Gary Olivar?

Mayroon pong comments, not necessarily questions, but comments from the floor? Pasensya na po dahil nilalaro pa po ng anghel itong ating mga [estudyante sa] audience noong martial law. Pero magandang pagkakataon ho na alamin natin kung ano ang nangyari. Okay, Marites.

DAÑGUILAN-VITUG: I just wanted to share that—I was looking for the Marcos papers, I asked [Manuel] "Manolo" Quezon [III], meaning hindi lang po iyong diaries pero iyong mga letters, memos, iyong mga naiwan lahat sa Malacañang. Sabi ni Manolo Quezon, nasira iyong iba, nabasa ng ulan. Iyong iba nasa National Archives. So we still have to go to the Archives to check baka nandoon pa iyong iba. Pero sayang. Maybe UP can do a project. Sayang. But Manolo Quezon was quite helpful in directing me kasi gusto ko lang makita sana iyong, aside from the diaries, ano pa ba iyong official letters niya, memos. Kasi he always wrote, Marcos was always writing. He kept notes of a lot of things that he did.

CAMAGAY: You know there was before a rumor, UP wanted all the presidential papers here. I do not know if within the Diliman campus or close to it. But it never really materialized. Because it would have been good [if] we have all the presidential papers intact in one place. As of now, in the National Library we have the Quezon papers. The Roxas papers are here in the UP Main Library, [in the University Archives] but people have not really taken a look. Maganda rin iyon, I can imagine, the Roxas papers, because it is [about] post-war Philippine situation. Pero iyon na nga maganda sana kung matipon lahat. Baka itinago rin ng Marcos family iyong ibang papers, ano? So, it would be a good project talaga if we could have a law—law again!—na all papers of the president should be surrendered to a particular institution for the future generation to consult [or] use.

Comments from the floor? Questions? Yes, please introduce yourself.

ROLANDO TALAMPAS: Nagtataka lang kami, iyong mga estudyante hindi nagtatanong, sila iyong magmamana nitong sinasabi ng mga tagapagsalita. But anyway ayaw nila, so kami na lang. Well, curious ako kung ano iyong relasyon ng history at saka ng law sa long-term na perspective. Mukhang magkaiba iyong judgment ng dalawang spheres na ito, lalo na sa usapin ng demokrasya. Kapag historical, mukhang lumalambot habang tumatagal. Parang nagiging humane. Dati galit na galit iyong mga tao sa diktador. Pero

in the long term, nakikita na nila iyong human side ng mga diktador at noong mga nagmana ng kanilang kayamanan at ng kanilang poder and not to mention ng kanilang apelyido. Pero iyong law, on the other hand, maiiwanan iyong kaniyang sinasabi at that particular period and it is good mayroong record iyon. Kaya lang, I doubt kung makakatulong iyong batas para doon sa longer-term judgment ng history. Parang magkaiba iyong perspektiba na mangyayari . . . Well, on the legal scale, sino ba talaga iyong magdo-drawing ng legal infrastructure ng isang demokrasya? Iyon bang iba't ibang sangay ng gobyerno? Iyon bang presidente? O iyon bang ibang may ideolohiya, iyong liberalismo na binabanggit ni Dr. Pangalangan? [Iyong mga] realist na kumukontra sa mga ganoong pagtingin? O iyong mga tao in their large numbers? Kasi it seems that mayroon ding ibang dynamic iyong puwersang galing sa labas, labas doon sa mismong logic ng political legal parameters ng estado.

CAMAGAY: Kanino mo gustong [i-direct] ang tanong?

TALAMPAS: Kung sino man po.

CAMAGAY: Sige, unahin na natin si Raul.

PANGALANGAN: Thank you, Professor Talampas for the question ... First, I recall that at the height of the human rights litigation during the Marcos years, if I recall right, this is a quote [from] Joker Arroyo, he was asked, "Bakit kayo file ng file ng kaso natatalo naman kayo?" And his answer was, "We have to file the cases to document the events because the cases will be the official record of what happened and we must keep on filing cases, so even if you lose the case, the courts will have a record of the events that happened." And that is why, going back to the question of Dr. Camagay and Marites, in fact, you can write the history of martial law just purely by the cases. I attempted that with one of my charts, that every big event can be traced to a case or to a legal issuance by Marcos. And you can actually match what Marcos did after the Plaza Miranda bombing, what he did after, you know those two boats carrying guns from China that ran aground in Palanan, Isabela, MV Karagatan. In other words, the big events will always have a mirror in terms of legal documentation. But that is the most crass level of answering the role of lawyers vis-à-vis history.

I would like to address Rolly's point that the historians can have a more—I do not know how you will describe it—the more humane, the more flexible judgment [while] legal analysis remains fixed and rigid and stiff . . . I will answer it at two levels. First is that there is a builtin ideology for law that is encoded into the constitution. In other words, the way I described the 1987 Constitution, it will be a hodgepodge of left-wing goals carried out through a liberal language. That is encoded in the document. And then it is stiff, you have to work within that framework, so they do not have much room to maneuver in. But I would like to close with this point: it actually goes into the Pinoy attitude to language and to rules. Pinoys are schizoid about rules. Sometimes they want the literal application of the rules. But sometimes they want a more commonsense reading of the rules. And you cannot tell, being schizoid, which Pinoy we are talking to at a given moment. We encounter it; we deal with the UP bureaucracy. Sometimes we are aghast at the narrowest, most legalistic reading of rules and sometimes we actually applaud the very technical reading of the rules. I am actually a bit sympathetic to the courts and to the bureaucrats because they do not know at what stage, you know, what kind of interpretative leeway they are supposed to exercise at a given point, and that was demonstrated by Javellana, or for that matter the [Chief Justice Hilario] Davide impeachment. Notice that for the Davide impeachment, we were very literal with the rules. I was amicus counsel for the case and I actually articulated that during the oral argument. That it cannot be this literal. But I think, Rolly, at that stage it is not about ideology anymore. It is purely legal, pure theory of law, pure jurisprudence.

**TALAMPAS:** Puwede makaulit? Hindi kaya complicit iyong Left doon sa nag-evolve na legal thinking, legal framework na in-adapt ni Marcos and his friends? Well, they gave all the excuses for Marcos to develop fully the legal mechanisms for martial law.

PANGALANGAN: Okay, that is a nice approach, Rolly. In hindsight it is a yes, right? It was almost like a script . . . . Again we are not going to some conspiratorial theory of [Marcos] talking to Joma [Jose Maria Sison, chair of the Communist Party of the Philippines], but it is almost like the two smart guys knew what the other wanted and it was like a ballet-like coordination between the two. And I think objectively, one can say that they supplied one another with what the other needed at that point in history. So the throwing of the grenade at Plaza Miranda, from the standpoint of the Left, would sharpen class

contradictions, intensify the revolution. For Marcos it provided him an excuse to suspend the writ of habeas corpus. Then he declared martial law. It pushed all the above-ground student activists to go underground and actually helped the NPA, the underground, recruit more people. So there was that dynamic. Whether that was deliberate, conscious, and, you know, conspiratorial, well, I do not know. But in a sense, they worked well together. But in terms of the discourse, you know actually if you looked at the Marxist interpretation of rules, they are actually as positivist as the traditional Pinoy positivists. In other words, they will be as literal about the rules as possible. No different from Pinoy bureaucrats. In other words, the apparatchik of the Bolsheviks will be no different from the apparatchiks of UP. They may carry out a different ideology, they may swear by a different flag, but their attitude about the interpretative leeway over the rules is just as confined and as textual. I will pause at that point.

**CAMAGAY:** Okay, I recognize Ms. Bugnosen, a student.

MONIQUE BUGNOSEN: I am a student of Ma'am Camagay in one of her classes and I am also a [political science] student here in CSSP [College of Social Sciences and Philosophy]. Actually, I only came in during Ma'am Vitug's speech and . . . I did not really know that Revnato Puno was somehow a conspirator . . . in the [defense of] martial law. And when I was in high school, that was the time when he was chief justice, so, my image of him now has changed. But I just would like to know, since most of us here are young, most of us here are students, could you name some prominent people, prominent lawyers or members of the Supreme Court [then] who until now are prominent. Like last year in UP naging issue ang Virata because iyon nga ho he was part of the Marcos administration. Then, iyong CBA [College of Business Administration named the school after him. Maybe in terms of the judiciary, sino po iyong mga prominent members of judiciary or even lawyers [then] who are still prominent now. So that you know, students will know who are these people who were actually part of the martial law [regime].

**PANGALANGAN:** Well mostly, you know, purely, it is a generational thing. They are all retired by now. So for instance, well, I am surprised that you are surprised that Chief Justice Reynato Puno was once upon

a time one of the lawyers of the Office of the Solicitor General. This is borne out of the record. In fact, one of the challenges to EDSA 1 is entitled "Letter of Reynato Puno to the Supreme Court" [In Re: Letter of Associate Justice Reynato S. Puno of the Court of Appeals dated 14 November 1990, A.M. No. 90-1102697-CA, 29 June 1992]-that is the title of the case. Because when Cory [Aguino] took over, she demanded the resignation of all the justices, reappointed them, and changed the seniority. [Puno] wanted his old seniority and so he was one of the challengers. So, for me they are mostly retired by now, and if some are still in active practice, I cannot recall. Well, the classmate of Dean Bacungan was Joker Arroyo and Joker was part of MABINI [Movement of Attorneys for Brotherhood, Integrity and Nationalism] together with our scheduled speaker Rene Saguisag. Well, the other difficulty actually is that part of Philippine politics also is that, exactly the same way that you are surprised that Puno had roots in justifying the dictatorship, they changed their roles over time. Even some of the antidictatorship guys will eventually be identifying with some questionable factions. I am not attuned to the names. Nothing leads to the mind right now. Well, I am sorry I cannot talk [about it].

DAÑGUILAN-VITUG: I remember I interviewed Chief Justice Puno when he was new as chief justice and I asked him, "What can you say about your defense of martial law?" And he said he was just doing his job then as part of the Office of the Solicitor General and that was a different time in his career. So now, as Supreme Court Chief Justice, he is now a defender of human rights. So, he said it was only part of his job. I think the other prominent personalities are still around: President Fidel Ramos, although he was not as stern and his reputation is not as notorious as Senator Juan Ponce Enrile, but he was there during martial law. Of course, Juan Ponce Enrile and the ACCRA [Angara Abello Concepcion Regala & Cruz] Law Offices. Raul, some in the ACCRA Law Offices, right? Or was it just Enrile at that time? Anyway, Enrile, in his memoir said that he founded the ACCRA Law Offices during the martial law years.

CAMAGAY: Bel [Lucas], you would you like to ask a question?

**LUCAS:** This is for Marites [Dañguilan-Vitug]. Because I thought you will talk about your own memoirs. *Hindi ba* you were already a journalist when martial law was at the peak of things. But what you said

were from the Marcos diaries and interviews. I was hoping you will put your own memoirs of martial law.

**DAÑGUILAN-VITUG:** Just to clarify, I was young, very young then. I was a freshman at UP. I entered [UP] in 1971 after the Diliman Commune. So that is why I am interested in that period. So I try to look at sources.

**CAMAGAY:** Yes, the student. Please introduce yourself.

RAYA MANALO: Estudyante po ako ng Asian Center, Philippine Studies. So, ang question ko po, in connection with the post-Marcos era, kung ang Marcos dictatorship ay legal in accordance with the 1935 Constitution, ano po iyong opinyon ninyo doon sa extra-constitutional process ng pag-upo . . . kay [Gloria Macapagal-]Arroyo. Ano po iyong opinion ninyo sa people power as a process?

PANGALANGAN: Well, I have written on this quite extensively. For me, the people power is difficult to fit into a constitutional straightjacket and that is why for EDSA 1 we had to use the political question doctrine. The court said, "What can we do, she is now there." So, if the Marcos metaphor was to unscramble the egg which was scrambled, the metaphor of the court for EDSA 2 was to put the toothpaste back in the tube. So, in other words, just to show you, over the years they have tried about every metaphor from scrambled eggs to toothpaste just to describe what they were doing because it was so difficult to do it. So, ves we fit EDSA 1 and EDSA 2 within the constitutional framework. it was really forced. And that is precisely my point, maybe we should just be candid that something strange happened and we moved on. Because if we force them to fit into the constitution, we distort the constitutional order. So with EDSA 2, the resignation of Erap [former president Joseph Ejercito Estradal, the guy never really resigned but he exited Malacañang from the back door. He crossed Pasig River on a boat. He had the Angara diary. And then the court said, "Well, look—." And then the court had to invent words: "the totality of contemporaneous circumstances lead us to the concept of constructive resignation." You know what? It is an exemption to the rule. So, to shorten the answer, no, it does not fit the constitution but we have lived with it because [that is the] the only way to justify and to legitimize the [and] to transform the de facto situation to de jure. I am actually more

particular . . . about the perception of the Filipino public. I do not know Marites [Dañguilan-Vitug] if you remember this: EDSA 2, GMA [Gloria Macapagal-Arroyo] took the oath [of office] on a Saturday. By Monday what was the headline of the newspapers? It was Gloria playing golf at a really fancy golf course. And for me, it shows the class character of the uprising that overthrew [Erap]. They loved to see their new president rubbing elbows with the rich and mighty and playing golf at this place where, you know, [you] pay x millions just to get past the front gate. So, for me, it was rather disappointing that we packaged it as a people power uprising, when as *Time* magazine lampooned the uprising, it was actually a rich people's power.

To go back to your question, if you want to look at it purely as a constitutional question, then sure, it is a game we lawyers love to play. We can kick the doctrines comfortably. For me the metaphor really is playing soccer: you kick the ball around. Or maybe playing frisbee. It is a game, it is a nice game. We have fun doing it. But does it add to the legitimacy of the entire enterprise? My position is it does not. True legitimacy will have to be rooted in deeper social concerns, about social inequality, about class power, about the concentration of wealth among the few in the Philippines. But precisely that is the debate we shunted out as soon as we shift to this legalistic mush that we traffic in, that we profit from in Malcolm Hall. That is precisely my conundrum. The Filipino public loves legal debate. And despite the fact that I have been so disappointed often enough in the past, and that the contrived nature of the debate has been exposed often enough, it persists. So for me that is the mystery. I think the allure lies in the promise that it is possible to have the equal protection of the law and genuine freedom of speech, etc. And maybe we need the illusion and that is why we hang on to the legal discourse.

CAMAGAY: Mayroon pang tanong? So, sa puntong ito ibig kong pasalamatan ang ating mga tagapagsalita ngayong hapon: si Dean Froilan Bacungan, si Dean Raul Pangalangan, at si Marites Dañguilan-Vitug, sa kanilang ibinahagi. At sana ay hindi natin kalimutan na lang ito at maging isang alaala lang. Nagpapasalamat kami sa Third World Studies Center na nagtataguyod nito. At gaya nga ng nabanggit, nagsimula ang panayam at serye ng lekturang ito dahil nga doon sa naging pagpapangalan ng College of Business Administration bilang Virata School of Business, na nakatatak na, [sa] lahat na ng information tungkol sa UP Diliman ay nandoon na ang Virata School of Business. So, iyon ang nagpasimuno ng ganitong usapin,

na maganda naman, upang mapag-usapan ang martial law—mula pagpapangalan ng Virata School of Business, iyong compensation package [para sa mga human rights victims], kung bakit nakakabalik ang mga Marcos sa arena ng pulitika, at ngayong hapon ay iyon ngang legality of martial law. Maraming salamat sa ating mga tagapakinig at sa ating mga tagapagsalita. Magandang hapon po sa inyong lahat.

## Mga Sanggunian

- Coppola, Francis Ford, dir. 1972. *The Godfather.* United States: Paramount Pictures and Alfran Productions. Film, 175 min.
- Corpus, Victor N. 1989. Silent War. Quezon City: VNC Enterprises.
- Enrile, Juan Ponce. 2012. A Memoir. Edited by Nelson A. Navarro. Quezon City: ABS-CBN Publishing, Inc.
- Guevarra, Ruben. 1998. The Story Behind the Plaza Miranda Bombing. Quezon City: Katotohanan at Katarungan Foundation, Inc.
- Katayama, Yutaka, Cayetano W. Paderanga Jr., Teresa S. Encarnacion Tadem, and Temario C. Rivera, eds. 2010. "Edited Proceedings of the Workshop on Economic Policymaking and the Philippine Development Experience, 1960–1985." In Kasarinlan: Philippine Journal of Third World Studies, supplement, 25 (1-2): 1-35.
- McCoy, Alfred W. 1993. An Anarchy of Families: State and Family in the Philippines. Quezon City: Ateneo de Manila University Press.
- Marcos, Ferdinand E. 1971. Today's Revolution: Democracy. n.p.: printed by author.
- —. 1973. Notes on the New Society of the Philippines. n.p.: printed by author.
- ——. 1974. The Democratic Revolution in the Philippines. Englewood Cliffs, New Jersey: Prentice-Hall International.
- ——. 1976. Notes on the New Society of the Philippines II: The Rebellion of the Poor. n.p.: printed by author.
- —. 1978. Five Years of the New Society. n.p.: printed by author.
- Quimpo, Susan F., and Nathan Gilbert Quimpo. 2012. Subversive Lives: A Family Memoir of the Marcos Years. With David Ryan F. Quimpo, Norman F. Quimpo, Emilie Mae Q. Wickett, Lillian F. Quimpo, Elizabeth Q. Bulatao, Caren Q. Castañeda, Jun F. Quimpo, and Maria Cristina Pargas-Bawagan. Mandaluyong City: Anvil.
- Rempel, William C. 1993. Delusions of a Dictator: The Mind of Marcos as Revealed in His Secret Diaries. Boston: Little, Brown, & Co.
- Salonga, Jovito R. 2001. A Journey of Struggle and Hope: The Memoir of Jovito R. Salonga. Quezon City: Center of Leadership, Citizenship and Democracy, National College of Public Administration and Governance, University of the Philippines.
- Unger, Roberto Mangabeira. 1996. "Legal Analysis as Institutional Imagination." The Modern Law Review 59 (1): 1–23.
- ——. 2004. Social Theory: Its Situation and Its Task. Vol. 2 of A Critical Introduction to Politics: A Work in Constructive Social Theory. London: Verso.
- Vitug, Marites Dañguilan. 1993. Power from the Forest: The Politics of Logging. Quezon City: Philippine Center for Investigative Journalism.
- ——. 2010. Shadow of Doubt: Probing the Supreme Court. Quezon City: Public Trust Media Group, Inc.
- ——. 2012. Hour before Dawn: The Fall and Uncertain Rise of the Philippine Supreme Court. Quezon City: Cleverheads Publishing.

- Vitug, Marites Dañguilan, and Glenda M. Gloria. 2000. *Under the Crescent Moon*. Quezon City: Ateneo Center for Social Policy & Public Affairs and Institute for Popular Democracy.
- Vitug, Marites Dañguilan, and Criselda Yabes. 1998. *Jalan-jalan: A Journey through EAGA*. Pasig City: Anvil Publishing.
- ——. 2011. Our Rights, Our Victories: Landmark Cases in the Supreme Court. Quezon City: Cleverheads Publishing.



### FORUM 4

# Rapporteur's Report

President Ferdinand Marcos was known to be highly legalistic, i.e., he tried to ensure that everything that he did-including the declaration of martial law-had legal basis. Precisely how did Marcos do this? Why is this "legal architecture" rarely discussed? How was the judiciary, especially the Supreme Court, involved therein? Could the justices have prevented the dictatorship? Could "constitutional authoritarianism" happen again? These were the key issues discussed in the fourth forum of the "Marcos Pa Rin! Ang mga Pamana at Sumpa ng Rehimeng Marcos (Marcos Still! The Legacy and the Curse of the Marcos Regime)" series. The forum's panelists consisted of two law professors one who was at the height of his career in the University of the Philippines (UP) College of Law during the Marcos administration, another a law student during the dictatorship who later became a legal academic of international renown—and a journalist who has pioneered in-depth investigative reporting on the Supreme Court of the Philippines. A fourth panelist—human rights lawyer Rene Saguisag was unable to attend due to health concerns. He did, however, sent a short note addressing the forum's key questions. The moderator read this to the audience.

Third World Studies Center director Ricardo T. Jose highlighted how many of Marcos's legal issuances—especially his presidential decrees, which were legally at the same tier as congressional/parliamentary acts—remain in force. He also noted the difficulty of deciphering "legalese," thus entrusting the panelists with the task of discussing legal issues "in more understandable language."

## "MARCOS WAS JUST BEING PRESIDENT"

The first speaker was Froilan Bacungan, who was an alumnus of the UP College of Law and the dean thereof from 1978-1983. Before becoming

dean, he was the director of the UP Law Center. Bacungan answered the forum's guide questions in a straightforward manner, mainly by citing legal provisions. He stated that Marcos was just "fully implementing his oath of office" as per Article VII, Section 7 of the 1935 constitution throughout his time in office. On the rarity of public discussions about the legal structure that supported/legitimized the Marcos regime, Bacungan lamented that this was because "the discussion about the Marcos regime in public has been only to the extent that you justify your position as pro-Marcos [or] anti-Marcos."

Prompted by the question concerning lawyers who were part of the dictatorship, Bacungan insisted that he was "never a part of the Marcos regime," listing his duties at the UP College of Law. He also mentioned that at the time martial law was promulgated, he was the executive secretary of the Philippine Chamber of [Commerce and] Industries. He thereafter stated that he shared the views of his contemporaries in legal academia such as Crisolito Pascual and Irene Cortez, who believed that Marcos was simply "being president under the 1935 constitution." Turning the spotlight to the Supreme Court, Bacungan highlighted that the Supreme Court is limited by the prevailing constitution—their task is to "interpret what is [in] the constitution"; if it does "something else," then "it is a fake Supreme Court."

Bacungan highlighted the provisions of the 1987 constitution that ensure that an authoritarian regime will never engulf the country again—unless the Philippines reverts to the 1935 constitution, which he believed should never happen. Martial law, he again emphasized, was promulgated by a commander-in-chief under the 1935 constitution. He described Ferdinand Marcos as "the valedictorian of his class, the best and [most] brilliant mind of the legal profession at the time." Marcos was also supported by many Supreme Court justices and other highly regarded lawyers were "all friends."

## "Anointing Power with Piety"

Raul Pangalanan borrowed Roberto Unger's phrase "anointing power with piety" to encapsulate his presentation. His talk's focus was on "anointing dictatorial power with constitutional piety because that was the role that the law played in legitimizing the dictatorship." Pangalangan noted that "the best challenge of liberal lawyers against Marcos is that he was lying: that there was no basis for the declaration [of martial law, as] either he was exaggerating the communist threat, or

fabricating uprisings." This challenge "failed to deligitimize the rule of Marcos"; the human rights lawyers—who had to disguise "Left theory" as "bourgeois liberalism" to broaden their appeal to the forces opposing Marcos, especially after the assassination of Benigno "Ninoy" Aquino—did eventually become the opposition's leaders, but their legal theorization was, since the promulgation of *Lansang v. Garcia* on 11 December 1971, outpaced by that of Marcos.

Pangalangan dwelled on what he saw as a paradox. Lansang v. Garcia, which focused on the legality of arrests made while Marcos suspended the privilege of the writ of habeas corpus in 1971, was traditionally taught in law schools as a "good decision," as it was an "assertion of the primacy of civilian authority over the military, [of] the primacy of courts over commander-in-chief powers." It applied "the test of strict legality." Meanwhile, the 1973 case Javellana v. Executive Secretary, which legitimized the ratification of the 1973 constitution, thereby allowing Marcos to practically extend his dictatorial rule indefinitely, was usually interpreted as a "bad decision," seeing as how the facts of the ratification process was disputed, even by some of the Supreme Court justices. Democrats, according to Pangalangan, criticized Javellana because it "replaced strict legality with political reality after the fact." But Marcos always saw both as being in his favor—in fact, as per his diaries, Marcos considered Lansang to be crucial for his legal and political designs for the country.

Pangalangan resolved the paradox by showing (1) that Lansang resolved that the Supreme Court had the power to review the factual bases of the president's use of his commander-in-chief powers, but it conceded that the commander-in-chief was in the best position to know whether there is evidence (say, of rebellion) for employing those powers—that was "a very low threshold of validity"; (2) having thus validated through Lansang that a state of rebellion existed in the country, he could thus declare martial law unopposed by the Supreme Court (some members of which he was "cozy" with anyway, as per his diaries); (3) having legitimately declared martial law (at least in the eyes of the law), thus effectively conferring upon himself dictatorial powers, Marcos's determination of the "legal" way to ratify the 1973 constitution, supposedly still with the people's consent, could not be questioned by the Supreme Court.

Pangalangan emphasized that this was the same logic applied by the Supreme Court to support the validity of Corazon Aquino's assumption of the presidency after the EDSA Revolution—it was in violation of the

1973 constitution, but "Cory, being in effective control of the entire country, [meant that] the legitimacy of her government was not justiciable but belongs to the realm of politics where only the people are judge." Pangalangan, however, noted that the Supreme Court "pretended to apply" strict legality to validate the (constitutional) assumption of the presidency of Gloria Macapagal-Arroyo after EDSA 2. It alleged factual bases for the resignation of president Joseph Ejercito Estrada, citing then executive secretary Edgardo Angara's diary, which was "not even presented before in court" but published in the *Philippine Daily Inquirer* after EDSA 2 concluded. Pangalangan thus asked, "if *Lansang*'s insistence on judicial supremacy was a high moment, then why would the court apply strict legality to validate EDSA 2?"

In conclusion, Pangalangan castigated liberal lawyers for having no other counterargument to Marcos's bases for martial law other than the claim that Marcos was lying. Pangalangan stated that Marcos was mostly telling the truth—there was an ongoing left-wing rebellion. It was human rights discourse that gave them a "common point of reference" with traditional (opposition) politicians, who shared in their view that law, especially the Bill of Rights, was "the embodiment of reason." However, Pangalangan emphasized that this view is also fallacious, as law is in fact "the embodiment of compromises, and dirty compromises at a deeper level."

#### CHALLENGES IN WRITING MEMORIES OF MARTIAL LAW

Marites Dañguilan-Vitug started her talk by asking, "Why is there a scarce popular documentation of the legal sleight of hand that was behind martial law?" The short answer was the state of archives in the Philippines—woefully incomplete. Dañguilan-Vitug shared that she had tried to locate transcripts of the oral arguments on the issues in Javellana v. Executive Secretary, but found none in relevant public and private libraries. She was able to find one journalistic account, by Fernando del Mundo, of one hearing, wherein the debate was rendered moot and academic because "news was relayed to the Supreme Court that Marcos at that very moment has just issued in Malacañang a decree proclaiming the plebiscite was approved by viva voce vote and the [new] constitution that he said was now in effect." Dañguilan-Vitug also noted that the justices did not leave behind memoirs. This lack of documents, which translates to a lack of work on important persons

written for a popular audience, was blamed by Dañguilan-Vitug for the still sterling reputations enjoyed by prominent lawyers who directly supported the dictatorship.

Danguilan-Vitug then focused on some important documents that are publicly available—the Marcos diaries, which can be viewed at the library of the Presidential Commission on Good Government. In particular, she showed entries wherein the justices met with Marcos to discuss issues that were up for resolution by the Supreme Court—a blatant violation of the separation of powers of coequal branches of government. One particular highlight was Marcos's discussion with his "spy," Justice Fred Ruiz Castro, who once "disturbed" Marcos by stating, as per one diary entry, that "the justices are only human, affected by media, demonstrations, and propaganda or which is otherwise known as public opinion." Marcos also talked about a 1971 deal proposed by Castro wherein he would gradually lift the suspension of the privilege of the writ of habeas corpus so that "the decision to uphold [the legality of the suspension] would be unanimous." In an October 1972 entry, Castro mentioned to Marcos that they were studying cases by the US Supreme Court wherein the legality martial law was tackled only after it was lifted; he believed that the Supreme Court would do the same.

However, Dañguilan-Vitug highlighted what she believed should be taken with a grain of salt: in entries describing the issue of the ratification of the Marcos constitution, Marcos claimed that the only concern of the justices was security of tenure. Marcos stated that they did not approve of the provision wherein the president would be able to remove them from office. However, Dañguilan-Vitug showed one entry wherein, at a dinner with the justices in Malacañang, there was an agreement that it was now impossible to "unscramble the eggs already scrambled." After showing one last entry—wherein Marcos stated that the aforementioned dinner "went well"—Dañguilan-Vitug concluded by saying that "there is a need for popularly written, maybe book or a paper that will show how Marcos related with the justices, and of course, after forty-one years look at what a lack of our memory has brought us."

#### **OPEN FORUM**

Moderator Maria Luisa Camagay started the discussion by seconding Dañguilan-Vitug's observations about record keeping in the Philippines.

She noted that some important persons have a "hesitancy to write memoirs," and that "they prefer not to be interviewed." This was a running thread throughout the open forum. Danguilan-Vitug talked about other (fruitless) hunts for documents, as well as the belief that there should be many other notes/letters/memoranda by Marcos, as he "kept notes of a lot of things that he did." A member of the audience raised the possibility of doing research (i.e., oral history) on the batchmates of Ferdinand Marcos in law school. Camagay noted that there are newly available or little-examined sources besides those already discussed, such as documents turned over by the military to the Commission on Human Rights, oral history interviews, published memoirs, and some presidential papers. Pangalangan noted that at least one human rights lawyer during the martial law era stated that they continued to file cases questioning the actions under martial Law even if they knew they would lose to "document the events because the cases will be the official record of what happened."

Pangalangan responded to the more law-related queries. He noted that Marcos and his lawyers tackled issues on a more theoretical level than their opponents, who relied on "tired, old, liberal theories." Thus, one of Marcos's legacies is showing that the theoretical underpinnings of legal legitimacy can be changed (e.g., to suit a chief executive's purposes). Pangalangan noted that such legalism was utilized by Arroyo, who avoided having most of her "state of emergency" declarations judicially voided by avoiding "the language of the constitution" on the use of commander-in-chief powers. Pangalangan believed that Filipinos are "schizoid about rules"-at times wanting literal interpretations, at times wanting "more common-sense [readings] of the rules"-which translates to the "kind of interpretative leeway" courts are afforded in differing (political) contexts. The left-Marcos dynamic-the former providing the latter with the factual basis for martial law, the latter using the former's acts to form airtight legal rationale for dictatorial rule-was also touched upon. On people power "as a process" of removing presidents, Pangalangan reiterated that it is "difficult to fit into a constitutional straightjacket," but there is nevertheless always an attempt to because of the allure of law-the equality before it that it purportedly promises, the protection of rights, etcetera.

During the open forum, Camagay also relayed comments sent by Rene Saguisag in response to the forum's guide questions. Saguisag said that Marcos became "superexecutive, supercourt, superlegislature, and one-man Constitutional Convention (Amendment No. 6)" during martial law, whose orders (which had the effect of law) can at times be distilled as "the first lady [Imelda Marcos] wants this." Saguisag then stated that fear and dread, developed after years of foreign subjugation, kept the public from discussing Marcos's legal architecture. He then characterized the legal professionals who worked with/for Marcos as "Good Filipinos," like "Good Germans" during the time of Hitler, who were merely "following the law." Lastly, Saguisag opined that the way Estrada's ouster was validated by the Supreme Court is one indication that the executive can still exercise control over the judiciary, thus "we have to be eternally vigilant." —PAOLO NIÑO REYES

Maria Luisa T. Camagay, professor, Department of History, College of Social Sciences and Philosophy, UP Diliman served as the forum's moderator.



## FORUM 5

# My Husband's Lovers: Ang Pag-ibig at Pagkamuhi Kina FM at Meldy Magmula sa mga Martial Law Babies Hanggang sa Kasalukuyang Henerasyon

Martes, 4 Pebrero 2014, 9:00 n.u.-12:00 n.t. Pulungang Claro M. Recto (Faculty Center Conference Hall) Bulwagang Rizal, Kolehiyo ng Arte at Literatura Unibersidad ng Pilipinas (UP) Diliman

RICARDO T. JOSE (DIREKTOR, THIRD WORLD STUDIES CENTER AT PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang umaga sa inyong lahat . . . Welcome to this fifth and last of the series of "Marcos Pa Rin!"

Just to give you a background on this series, we started this last year because of the issue on the Virata School of Business. In reaction to that, we decided to reexplore who Prime Minister [Cesar E.A.] Virata is and the different angles of martial law. The younger generation is not too familiar with that as [they have] not lived through the period and so we decided to hold this series. This is the fifth of the series, and we are going to talk about the different aspects of Ferdinand and Imelda [Marcos] and their impact on the martial law babies and the present generation.

The previous parts of this series dealt with the Virata School of Business issue, the government, the legal frameworks, and other aspects of the martial law years and their impact today. The second one, we [focused] on [Ferdinand] "Bongbong" [Romualdez Marcos Jr.] and his potential for the next election and other political realities that we have.

Today, we will focus more on the younger generation who did not experience martial law or who were born during the martial law period. We shall be hearing different points of view, different perspectives, and out of this, I hope we will be able to put together something more substantial. We are, of course, videotaping all [of] this, and [the recordings] will be [uploaded on] the Third World Studies Center website, but we hope to have something more solid and more lasting after this. As with all of our speakers in the last sessions, we have had very interesting outputs, very interesting points of view. So, without further ado, I open this session, and we now start with the program. So again, welcome, good morning, and I hope we have a fruitful morning with us.

MARIA LUISA T. CAMAGAY (PROPESOR, DEPARTAMENTO NG KASAYSAYAN, KOLEHIYO NG AGHAM PANLIPUNAN AT PILOSOPIYA, UP DILIMAN): Magandang umaga sa ating lahat . . . Ibig kong ipakilala ang ating mga tagapagsalita ngayong umaga.

Sa aking kaliwa ay si Dr. Teresita "Tet" Maceda, propesor sa Departamento ng Filipino at Panitikang Filipino, Kolehiyo ng Arte at Literatura ng Unibersidad ng Pilipinas Diliman. Kamakailan lamang, siya ay nagretiro.

Ang pangalawang tagapagsalita natin ay si Frank Cimatu. Siya ay patnugot ng Mondo Marcos (Cimatu and Tolentino 2010a, 2010b) at correspondent ng Philippine Daily Inquirer.

At ang panghuli nating tagapagsalita ay si Raissa Robles, correspondent ng South China Morning Post ng Hong Kong at publisher at webmaster ng raissarobles.com. So, uunahin natin si Prop. Tet Maceda.

TERESITA G. MACEDA (RETIRADONG PROPESOR, DEPARTAMENTO NG FILIPINO AT PANITIKANG FILIPINO, KOLEHIYO NG ARTE AT LITERATURA, UP DILIMAN): [Sinimulan ni Propesor Maceda ang kanyang panayam sa pagpalabas ng video ng talumpati ni Sen. Jose W. Diokno na tinutuligsa sa Korte Suprema ang legalidad ng Proclamation No. 1081, ang deklarasyon ni Presidente Ferdinand Marcos ng batas militar.]

We have been snatched from the bosoms of our family, in the early morning, brought to Camp Crame, subjected to fingerprinting, to having ourselves hold our name, to be photographed. All the while, for each of us, there was a television camera operating, showing every step of the

degradation to which we were being subjected. This is the inhibition that we have no power to refuse. We are concerned about our freedom, because the mere fact that one cannot leave a building to feel the sun on his face or the breeze without asking the permission of the guy is penalty enough. We really are concerned about our families. The only source of livelihood of our family is our income. Punish us for dissent? Fine. But punish our family also?

Magandang umaga sa inyong lahat. Talumpati iyon ni Senator Diokno. At nagkaroon ako ng magandang kapalaran na mabigyan ng kopya ng talumpating ito noong ginawa ko ang video documentary ng kaniyang buhay, na ipinalabas sa Channel 2 in 1987. Parang ang tagal-tagal na.

Pero ganito kalamig na buwan din, apatnapung taon na ang nakalipas, nang dinampot ng militar ang matalik kong kaibigan at kasamang nagtuturo sa UP Baguio. Sa isang safehouse sana siya dadalhin, hindi para maging ligtas, kung hindi para iparanas ang kakila-kilabot na torture. Ang kasalanan niya, kapatid siya ng isang pinaghihinalaang miyembro ng CPP-NPA [Communist Party of the Philippines–New People's Army] na hinahanap ng militar. Siya, na pinupuna ng iba sa pagiging apolitical, ang naaresto pa. Walang babala. Walang warrant of arrest. Mabuti na lang at nakasama ng militar sa pagaresto ang isang pulis na dating estudyante ng UP Baguio. Matagal na pakiusap hanggang sa dinala na lamang siya sa kampo sa La Trinidad.

Hindi siya ang unang miyembro ng faculty ng UP Baguio na hinuli. Bago pa pormal na idineklara ni Presidente Ferdinand Marcos ang batas militar noong 23 Setyembre 1972, isa-isa nang pinuntahan ng militar ang mga kilalang aktibista. Naka-eskapo sa dragnet ang iba. Ang ilan, nahuli. Kabilang na doon ang kapatid ng kaibigan ko. Nanginginig at putlang-putla sa lamig nang bisitahin ko siya. Ang tanging panangga niya, kasama ng marami pang iba na hinuli din sa iba't ibang dahilan, ay ang tolda na bukas ang gilid. Nine degrees Celsius [ang temperatura] pero hindi man lang siya binigyan ng kumot. Mabuti at naisip kong dalhan siya ng kumot. Kulang ang isa at dinalhan ko siya ng dalawa pa. Ibinigay niya iyon sa kaniyang mga katabi. Sumusuot sa loob ng kaniyang katawan ang lamig ng kaniyang paligid. Hindi niya maihiyaw ang pait ng inhustisyang kaniyang dinanas hanggang nawala ang kaniyang ngiti kahit na nakalaya siya pagkatapos ng isang buwan.

Siyam na taon ang lumipas at sa loob ng panahong iyon, maraming nagkusang mawala para mamundok. Marami ring basta na lamang winala ng militar sa kung ano-anong dahilan. Hindi naman kasi kailangang ipangatwiran noon ang pag-aresto. Desaparecidos ang tawag sa mga winala ng mga awtoritaryanong rehimen sa Amerika Latina. Sa Pilipinas, sila ang mga sinalwage. Hanggang ngayon, hinahanap pa rin sila ng kanilang mga magulang, kapatid, kamag-anak, kaibigan.

Lifted na raw ang martial law, ang anunsyo ng diktadura noong 1981. Pero dalawang taon pagkatapos, ilang linggong hindi sumipot sa klase ang isa kong kaibigang propesor dito sa UP Diliman. "Hinahanap ang kaniyang nawawalang asawa," ang sabi ng kaniyang ka-departamento. Hinanap nga niya nang hindi na umuwi ito. Isa-isa niyang pinuntahan ang mga presinto ng pulis at kampo militar, hanggang makarating sa Kampo Bagong Diwa. Sa halip na sagutin ang kaniyang mga usisa ng mga sundalong walang pangalang nakatatak sa uniporme, binartolina siya. Ang kaniyang torture, halos arawaraw, pinarinig sa kaniya ang paghampas ng golf club sa nakatiwarik na katawan ng kaniyang asawa. Commodore ang kaniyang ama, kaya siguro hindi siya nilapatan ng kamay o ginahasa tulad ng ibang detenidong pulitikal o kinuryente sa mga maselang bahagi ng kaniyang katawan. Pero, para sa kaniya, mas matindi pa kaysa ano pa mang pananakit ang mga hiyaw na umabot sa kaniyang tainga; ang pag-imagine kung anong uri ng torture ang ginagawa sa kaniyang asawa; ang pagbalot sa kaniyang pagkatao ng damdamin ng kawalang kapangyarihan; ang pagtangkang tanggalan siya ng sariling humanidad.

Ilang linggo bago siya nahanap ng kaniyang ama at napalaya. Sa V. Luna Hospital [ang Armed Forces of the Philippines Medical Center] na niya nakita ang kaniyang asawang gutay-gutay ang katawan. Salamat na lamang at may kaunti pang hiningang natira. Sa panahon ng awtoritaryanong rehimen ni Marcos, halos walang naka-eskapo sa hagupit ng kamay na bakal. Kung hindi man sa iyo mismo nangyari, tiyak na may kaibigan o miyembro ng pamilya, kasama sa trabaho, kakilala, na dumaan sa nakakabangungot na danas. Mga realidad ito ng batas militar na higit na nakasisindak kaysa ano pa mang rimarim na maaaring tangkain. Mga realidad itong nais mang puksain sa gunita ay nakaukit na sa kolektibong memorya ng taumbayan. Mga realidad itong mahalaga sanang [maibahagi] sa kasalukuyan at sumusunod na henerasyon.

May ibang realidad naman na pinilit na likhain ng mag-asawang Ferdinand at Imelda para sa mga mamamayang Pilipino bago pa man ipataw ang batas militar. At sa buong panahon ng diktadura, maingat itong inalagaan, pinalamutian, at pinalago ng mag-asawa. Iginuhit ng Tadhana (Torres, de Villa, and Conde 1965) ang benta ni Ferdinand Marcos sa kaniyang kandidatura para sa pagkapresidente ng Pilipinas noong 1965. Ginamit ni Marcos ang kapangyarihan ng mass media para isadula sa

pelikulang ginampanan nina Luis Gonzales, para kay Marcos, at Gloria Romero, para kay Imelda, ang unang mitong kanilang kinonstruct para makuha ang boto ng bayan. Isang matikas na binatang ubod ng talino na dumaan sa matinding pagsubok nang siya ay mahatulan ng pagpatay sa karibal ng kaniyang ama sa pulitika na si Julio Nalundasan. Ang hindi magapi niyang espiritu nang ipagtanggol ang kaniyang sarili sa harap ng Korte Suprema, ang pag-aaral niya para sa bar exam habang nakakulong, at kanyang pagkamit ng pinakamataas na grado sa bar, ang pagpapawalang sala sa kaniya ng Korte Suprema, ang kaniyang pagbuo ng pangkat ng mga gerilyang tinawag niyang "Ang Maharlika" para lumaban sa mga Hapon (basahin ang appendix 5.1, 589-92), at mga medalya raw na ginawad sa kaniya ng gobyernong Amerikano-kahit itinanggi ito later-para raw sa kaniyang pambihirang kagitingan, ang matagumpay na pagpasok niya sa bulitika, sa pagwagi niya ng pag-ibig ng magandang pamangkin ng Speaker of the House na si Daniel Romualdez, nakumpleto ang mito. Hindi niya mapigilan ang katuparan ng tadhanang iginuhit para sa kaniya mula sa kaniyang kabataan—ang pagiging presidente at "ápo" ng sariling bansa.

Nasa pelikula ang lahat ng sangkap ng isang mitong nakabibighani. Mapait na gana sa loob ng karsel, matagumpay na paglampas ng pagsubok, giting sa larangan ng digma, at—importante para sa mga Pilipino—pagwagi ng pag-ibig. Tadtad man ng kontrobersiya ang pelikula, nakuha na ni Marcos ang damdamin at isip ng mga tagapanood—kasama na ako doon. Sa panahong wala pang turncoatism, isa sanang malaking kasalanan ang paglipat ni Marcos mula sa Liberal Party tungo sa Nacionalista Party para doon ilunsad ang kaniyang kandidatura. Pero, nabura iyon ng mitong nilikha. Lalong naging kapani-paniwala ang mito nang tangkain ng gobyernong ipagbawal ang pagpalabas ng Iginuhit ng Tadhana sa mga sinehan. Sa panahon na wala pang Betamax, o VCD, o DVD, malaking bagay ang pag-ere ng pelikula sa TV.

At nagwagi nga sa eleksyon si Ferdinand Marcos. Inilagay ng mga mamamayang Pilipino sa kamay ng isang salamangkero ang pag-asa para sa mas maunlad na kinabukasan. Sa pangalawang termino ni Presidente Marcos, unti-unti nang lumitaw ang tunay na pakay ng mag-asawang Ferdinand at Imelda. Panay na ang protesta sa kalye ng mga estudyante, manggagawa, at iba pang sektor ng lipunan. Nakaupo si Marcos—ayon sa puna ni Sen. Jose Diokno—sa isang trono ng mga bayoneta, at tiyak na wala itong patutunguhan kung hindi ang pagpataw ng batas militar.

Sa panahon ng kaniyang ikalawang termino, inaakit na ni Marcos ang militar, at [inumpisahan] na niyang paghandain ang makinarya ng armadong puwersa para sa darating na represyon at pamamahala sa mga sibilyan na sukdulan. Maraming mga militar na opisyal ang ipinadala sa Fort Lansdale,¹—kasabay ng iba pang militar mula sa Chile, Argentina, Iran at iba pa—dumaan sa pagsasanay para sa mga instrumento ng torture at psychological warfare. Dahil hindi puwede noong makumpirma bilang full colonel kung walang master's degree o katumbas nito, pinili ni Marcos ang ilan para mag-MBA [master of business administration] sa AIM [Asian Institute of Management] at iba pang gradwadong programa sa ibang bansa. Naging mahalaga sa proyekto ng batas militar ang pagbuo ng isang brain bank na pinamunuan ni Secretary Alejandro Melchor, kung saan naka-file ang CV ng matatalinong estudyante at mga kilalang eksperto sa iba't ibang larangan na maaaring magsilbi sa pinaplano nang "Bagong Lipunan."

Samantala, wala ring tigil ang First Lady [Imelda Marcos] sa pagorganisa ng sarili niyang abay o dama mula sa mga asawa ng mga heneral at mayayamang negosyante. Tinagurian silang "Blue Ladies" na katulong ni Imelda sa kaniyang mga proyekto. May mga pinili siyang arkitekto [at] interior designersm para sa kaniyang pinaplanong mga gusaling pansining, [at] mga artists, na kaniyang kinupkop at sinuportahan hanggang sa internasyunal na entablado. Sa unang taon pa lamang ni Marcos, hinimok na ni Imelda si Leandro Locsin para itayo ang Cultural Center of the Philippines (CCP) sa Roxas Boulevard, sa halip na [sa] Quezon City na dapat niyang naging venue. Sa kabila ng mga protesta, natuloy ang kamanghamanghang gusaling ito—mabigat na slab na kongkreto na tila lumulutang sa ere. Bago magtapos ang unang termino ni Marcos at sa bisperas ng kaniyang kaarawan, nabuksan ang CCP at dumalo pa doon sina Ronald at Nancy Reagan. Naging venue ito para sa mga dayuhang artists at ilan sa mga nasa pabor nina Ferdinand at Imelda.

<sup>1.</sup> Walang "Fort Lansdale." Maaaring Fort Bragg sa North Carolina o Fort Benning sa Georgia, parehong nasa Estados Unidos, ang tinutukoy ni Propesor Maceda. Sa mga institusyong ito madalas ipadala para sa ibayong pagsasanay ang mga pulis at militar noong panahon ni Marcos. Parehong may mga kurso sa counterinsurgency at internal defense sa nasabing mga base militar. Pero ang Fort Bragg ang mas may malalim na kasaysayan sa pagtuturo ng psychological warfare. Nandito ang US Army John F. Kennedy Special Warfare Center and School na may Psychological Operations Department, isang yunit na nakaugat pa sa Psychological Warfare Division ng Army General School noong 1950. Sa 420 na nakalistang generals at flag officers ng bansa mula 1896–1983, apatnapu't tatlo lamang sa mga ito ang hindi nagtapos o nagsanay sa Estados Unidos (Association of General and Flag Officers 1983). Ayon naman kay Shalom (1986, 108), "Between 1960 and 1971, Philippine military personnel numbering 13,588 received training from the United States, including 8,729 within the continental United States."

Pagkapataw ng batas militar, wala nang hadlang sa pagpapatayo ng mga gusali na walang hanggang magpupugay sa pangalan nina Ferdinand at Imelda, malublob man sa utang ang bansa at patuloy na magdarahop ang milyon-milyong Pilipino. "Edifice complex" ang popular na puna sa obsesyon ni Imelda na magtayo ng iba't ibang gusali sa area ng CCP—ang Folk Arts Theater, na hindi naman talaga para sa folk o taumbayan kung hindi para sa 1974 Miss Universe Pageant at sa mga konsyerto ng mga dayuhang artists; ang Philippine International Convention Center para sa paghost ng Pilipinas sa 1976 IMF-World Bank Annual Meeting; ang Manila Film Center na sa kabila ng pagkahulog ng ilang mason sa binubuhos pa lamang na kongkreto ay walang patid pa rin ang tatlong work shifts na trabaho matapos lang ang gusali. Kasabay ng mga gusali sa CCP Complex ang pagtatayo naman ng mga five-star hotels para sa mga dayuhan. Binuldoser ang mga tirahan ng mga squatters. Ang ibang lugar na pangit sa paningin ng first lady ay binakuran at pininturahan ng puti. Ang "Bagong Lipunan" at "City of Man" ng diktadura ng mag-asawang Ferdinand at Imelda ay para lamang sa may maharlikang katangian, ng the good, the noble, the beautiful. Gayunman, sinikap ng diktadurang Ferdinand at Imelda na bigyang balanse ang gusaling pansining bilang mga "repositoryo ng kaluluwa ng Pilipino," sa pagtatayo ng mga ospital na mag-aalaga naman sa pisikal na kalusugan ng mga Pilipino. Pero sa halip na tingnan ang mga primaryang sakit na ikinakamatay ng higit na nakararaming Pilipino, mararangya at espesyalisadong ospital ang binigyan ng prayoridad. "For every organ, a hospital," ang tahimik na puna ng mga tao sa itinayong [Philippine] Heart Center—na may 100-bed capacity lamang—Lung Center [of the Philippines], at [National] Kidney [and Transplant Institute].<sup>2</sup> Bahagi pa rin ang mga ito ng pagtatangkang bigyan ng laman ang hungkag na mito. Pinalaganap ng mag-asawa na sila ay tagapagbigay ng biyaya sa mga nakakaawa sa lipunan.

Samantala, waring reyna ang turing ni Imelda sa sarili at maingat niyang pinakinis lalo ang kaniyang likas na kagandahan. Talaga namang maganda si Imelda at pinagarbo ang kaniyang bihis sa paniniwalang, sa kanyang salita,

<sup>2.</sup> Naitayo ang tatlong hospital sa bisa ng mga presidential decrees (PD) ni Pangulong Ferdinand Marcos. Itinayo ang Philippine Heart Center (pangalan ngayon) sa bisa ng PD 673, "Creating the Philippine Heart Center for Asia," (19 Marso 1975). Ang Lung Center of the Philippines ay natatag sa bisa ng PD 1823, "Creating the Lung Center of the Philippines" (16 Enero 1981). At ang National Kidney and Transplant Institute (pangalan ngayon) ay nagmula sa PD 1832, "Creating the National Kidney Foundation of the Philippines" (16 Enero 1981).

"Filipinos want beauty. I have to look beautiful so that the poor Filipinos will have a star to look at from their slums."

Sa mga kinomisyon na oil painting, makikita ang tangka ng magasawang Ferdinand at Imelda na palaguin ang mito ng kanilang itinadhanang paghawak ng absolutong kapangyarihan sa bansa. Inagaw nila mula sa kulturang bayan ang mito ng biniyak na kawayan na siyang pinagmulan ng unang lalaki at babae. Sa painting at sa inukit na kahoy, ang mga mukha nina Ferdinand at Imelda ang lumilitaw mula sa biniyak na kawayan na waring nagpapahiwatig na sa kanila nagmumula ang binagong bansang Pilipinas. Sa isang magarang bulwagan naman sa Sto. Niño Shrine, may dalawang trono sa isang dulo na ang backdrop ay isang mural ng mala-diyosang Imelda na lumilitaw mula sa dagat na may hawak na kabibe kung saan naroon ang mukha ng kaniyang mga anak, sa kanan ng kaniyang balikat ay ang umaangat naman na katawan ng mala-diyos na Ferdinand. Paborito ni Imelda ang painting na ginawa ni Claudio Bravo sa kaniya. Dito nakaterno siya at parasol at panatag na namamasyal sa baybayin. Isa pang paboritong painting ni Imelda na laging ginagamit sa mga pahayagan ay iyong mala-reyna siyang pinalamutian ng alahas at sash. Sa lobby naman ng [Philippine] Heart Center ay ang mural na ang sentro ay ang mukha ni Imelda na waring santong pinagmumulan ng grasya para sa mga dukhang ipinuwesto ng pintor sa ilalim ni Imelda.

Makapangyarihan ang mito sa paghubog ng kamalayan ng taumbayan, at totoo, marami rin naman talagang nabulag o nabihag sa mapanaksil na sinag ng mitong nilikha ng mag-asawang Ferdinand at Imelda sa madilim na yugto ng batas militar. Ngunit ang tunay na mito ay hindi maaaring likhain ng isa o dalawang indibidwal (basahin ang appendix 5.2, 593-98). Hindi rin ito maaaring ipataw mula sa itaas. Hindi ito madadaan sa salamangka ng bulitika o sa pagbuhos ng perang hindi naman sa kanila para lamang sa pagpapalaganap ng imahe ng kabutihan, nobilidad, at kagandahan. Darating ang panahon na may matitisod at masisilip ang lagim na nakatago sa likod ng karangyaan—ang karahasan laban sa mga karaniwang tao na lantad man ay ayaw pa ring aminin ng awtoritaryanong rehimen; ang pagkasadlak sa kagutuman ng mga galising pobre para tuloy ang ligaya ng nahihibang sa kapangyarihan sa pamimili ng tatlong libong sapatos, mga naglalakihang brilyante, sangkaterbang terno at galon-galon ng mamahaling perfume na "Joy" na nilipad pa mula sa Paris—hanggang marinig ang malakas at nagkakaisang hiyaw ng sambayanan na, "Tama na! Sobra na! Palitan na!" Sapagkat tulad ng pagbansag kung sino ang dapat tanghalin na bayani, kailangang manggaling sa ibaba-sa mga hindi kilalang taumbayan-ang mito.

Halimbawa na lang, ang pagpaslang kay [Benigno Simeon] "Ninoy" [Aquino Ir.], na binasahan ng taumbayan ng mala-pasyong interpretasyon. Ang bangkay ni Ninoy na nakadapa sa tarmac, sa aktong paghalik sa lupang hinirang na kaniyang minahal at isinakripisyo ang buhay. Halimbawa na rin ang mito ni Cory Aquino na walang karanasan sa pulitika pero nakahugot ng lakas para hamunin ang puwersa ng kadiliman sa katauhan ng diktador na si Marcos. Tanging taumbayan lamang ang maaaring panggalingan ng mito. Matingkad pa rin sa ating alaala at sa palagay ko sa gunita ng ating henerasyon ang bangungot ng martial law. Pero hindi tulad ng ibang bansang dumaan din sa katulad na danas ng hagupit ng awtoritaryanong rehimen at sa kanilang paglaya ay nagbuo ng mga truth commission para pagharapin ang biktima at kaniyang torturer, naglatag ng mga marker kung saan nangyari ang mga karahasan, nagpinta ng mga haligi at mural sa mga pampublikong lugar bilang paalaala sa sambayanan na kailangang pagtibayin ang panata na "Nada Mas" o hindi na muli sa diktadura. Patuloy na paikot na naglalakad sa Plaza de Mayo ng Buenos Aires bawat Huwebes kada linggo ang mga madres de mayo, tangan pa rin ang mga larawan ng kanilang mahal sa buhay na winala ng diktadura.

Tila ba mas gusto na lang nating tiklupin ang ating mga alaala. Kaya, hindi ako naniniwala na maikli ang memorya nating taumbayan, na madali tayong makalimot. Paano malilimutan ang diktadurang humamak sa ating pagkatao? Binigyan nating wakas ang diktadura dalawampu at walong taon na ang nakalipas, at nagkaroon tayo ng pagbabago. Pero hindi sapat ang People Power para maipatupad ang kinakailangang reporma sa lipunan at pulitika. Wala pa ring napapanagot na mga responsable sa mga karahasan at kalupitan, sa pagnanakaw sa kaban ng bayan sa panahon ng diktadura, sa pagkasabik na hilumin ang mga sugat ng bayan, at sa kawalan ng pagunawa sa lawak ng pinsalang dulot ng batas militar sa ating mga institusyon, kultura, at kamalayan. Marami sa ating mga leader ang nagkusang lumimot. Sa pagbibigay daan sa pulitika ng akomodasyon at patronage, maraming mga isyu at problema ng nakaraan ang nananatiling hindi resolbado. Tinalikuran natin ang ating nakalipas kahit na tumatagos pa rin ito sa ating kasalukuyan. Ang mga kaisipang hinulma ng kamay na bakal ay umiiral pa rin sa pinaghirapan nating demokratikong kaayusan. Sa pagiging laganap ng turncoatism sa mga partidong pulitikal, para pa rin tayong nasa ilalim ng iisang partido. Samantala, napakanaturalisado na ang korupsiyon na parang ito na lamang ang tanging paraan para magnegosyo sa bayan.

Hanggang ngayon, patuloy pa rin ang mga extra-hudisyal na pagpaslang o ang salvaging, o pagwala ng mga itinuturing na leftist o kaaway ng gobyerno. Sa halip na kondenahin, pinoprotektahan, at mas madalas pinupuri pa, ang

mga sundalong responsable dito. Nasa kamay pa rin ng iilan ang yaman ng bansa. Sa halip na magtayo ng mga parke para sa taumbayan, naglalakihang mall ang itinatayo na nagsisilbi namang panlamig ng tunay na mga anak ng pawis. Pahirap nang pahirap ang taumbayan. Pero patuloy ang pork barrel at kultura ng plunder. Kung nais nating iligtas ang sarili nating bayan at hindi makondena sa isang kasaysayan ng pag-ulit-ulit, kailangan nating magkusa sa aktibong paggunita. Mahalagang bahagi ito ng proseso ng paggising ng mga kaisipang napurol ng mahabang panahon ng awtoritaryanong pamamahala. Kailangang buhayin muli ang kakayahan ng taumbayan sa kritikal na pagiisip. Kailangang isalin ang ating kolektibong memorya sa kasalukuyan at susunod na henerasyon. Tanging sa pamamagitan ng pagkuwento ng dusang dinaanan ng taumbayan, ng pagtayo ng mga sitio ng alaala, ng pagwasak ng mga mitong pinataw sa taumbayan—tagumpay na makakamit kung nagkakaisa ang sambayanan para tanggihan ang anumang anyo ng awtoritaryanismo, magkakaroon ng kinabukasan ang hindi kailanman sa batas militar sa ating bansa.

Siguro, tatanungin ninyo ako, may alaala pa ba ang henerasyon ngayon? Palagay ko, wala na. Kaya bilang test, hayaan ninyong magtapos ako sa isang kanta at kilalanin ninyo—kung makikilala ninyo iyong mga binabanggit ay siguro ay may pag-asa pa tayo. Ito ay tula ng Los Enemigos at isinamusika ni Karina David:

Sari-saring ulam Nakakasira ng tiyan Ihaw-ihaw, balut at Bola-bola Cendaña Eggs Benedicto at glazed Tantoco Sabaw, sharks, Ongpin Utang sapin-sapin<sup>3</sup>

Jaime Laya ube Cheese burgis Jollibee Nilasing na kroni at Blas Soufflé Relyenong manok

<sup>3.</sup> Si Gregorio S. Cendaña ay naging direktor ng National Media Production Center at ministro ng impormasyon. Sina Roberto Benedicto at mag-asawang Bienvenido at Gliceria Tantoco ay mga kilalang crony ni Ferdinand Marcos. Si Roberto Ongpin ay naging ministro ng kalakalan at industriya.

At tinolang Manotoc Lengua estupida Ala Imelda<sup>4</sup>

Tayong mga mamamayang Pinoy Tinadtad at niluto ni Macoy Paksiw na eleksyon ang alay Boneless COMELEC ang bantay Binagoongang Lipunan Pinaupong tuta sa Batasan Tostados Estados Unidos Kusinerong nag-utos

Ika'y parang si ser
Kapag may ice cold Ver
Kasabay ng pagtungga
May dinuguang tarmac
Chicha Roñong bulaklak
At maruyang Katigbak
Masarap papakin
KalViratang kambing<sup>5</sup>

Tayo'y mga mamamayang Pinoy Tinadtad at niluto ni Macoy Paksiw na eleksyon ang alay Boneless COMELEC ang bantay Binagoongang Lipunan Pinaupong tuta sa Batasan Tostados Estados Unidos Kusinerong nagutos.

<sup>4.</sup> Si Jaime Laya ay naging gobernador ng Central Bank of the Philippines at pinuno ng Monetary Board. Si Blas Ople ay naging ministro ng paggawa. Si Tomas "Tommy" L. Manotoc Sr. ay naging asawa ni Maria Imelda Josefa "Imee" Romualdez Marcos.

<sup>5.</sup> Si Fabian Ver ay naging pinuno ng Sandatahang Lakas ng Pilipinas. Si Jose Roño ay naging ministro ng lokal na pamahalaan. Si Maria Kalaw Katigbak ang pinuno noon ng Board of Review for Motion Pictures and Television. Si Cesar E.A. Virata matagal na nanungkulan sa ilalim ng rehimeng Marcos sa iba't ibang posisyon, pinakaprominente sa mga ito ang pagiging ministro sa pananalapi at kalaunan primer ministro.

FRANK CIMATU (CORRESPONDENT, PHILIPPINE DAILY INQUIRER): Ako naman po iyong token loyalist dito—hindi po. Ako po ay taga-Baguio, pero iyong mother ko ay taga-Batac. Lahat po ng mga pinsan ko ay mga loyalists, pero ako kasi taga-Baguio kaya . . . at saka iyong kapatid ko nasama sa Diliman Commune kaya may kunting [pagkakaiba].

Ako po ay isang Marcos baby. Ito po iyong mga babies na ipinanganak noong 1965 to 1985. Isang generation po iyon, mahal na mahal po kami ni Marcos. Memorized ko pa hanggang ngayon ang schedule ng mga cartoons sa TV. Hindi ko maalala iyong mga sinabi ni [Propesor Maceda] noong bata ako, pero noong nag-college na ako, doon ko lang nalaman na pasakit rin pala si Marcos.

Galing pa ako ng Baguio kaya may kaunting jetlag. Gumawa ako ng aking presentation sa Ingles pala, so I will try to translate.

The only time I met Marcos, ito iyong 1981 when Pope John Paul [II] went to Baguio, noong time na iyon. Kaming mga high school [students] noon ay pinagbantay doon sa mga daan along the way. So, nagtent kami, nag-bonfire. And then, noong mga 5 o'clock [p.m.], napaihi ako, pumunta ako doon sa daan. Doon dumaan si Marcos kasama si Pope John Paul [II]. I was waving. That was when I decided to become a writer.

Hindi ko na nakita si Marcos but my first big coverage in the Philippine Daily Inquirer was when he came back. Pero bago noon, [ay] mga preparations doon sa burial niya. So, pumunta ako doon sa mga pro-Marcos and I saw some crazy people. Ay, not crazy siguro. Ito iyong mga Marcos cults (basahin ang appendix 5.3, 599–604). So, I decided to write about them. Ito iyong mga nakausap ko. You do not need to write [their names down].

Marcelina Cabantayan. Noong nakita ko siya para siyang si Elsa ng Himala (Bernal 1982). Ganoon iyong mukha. Ilokana yata siya, taga-Sarrat. Anyway, member siya ng Espiritu Santo. Ito iyong . . . maganda iyong kuwento. Parang it was headed by Bernabe Abella na kasama doon sa [Aglipayan Church] . . . Alam ninyo ba iyong Aglipayan Church? Noong 1980s, nag-split iyon and iyong isang grupo, ito iyong kay Bishop [Manuel] Lagasca—mahabang kwento ito—ito iyong naging loyalist. Kasama dito si Nilo Tayag. Si Nilo Tayag—mahabang kuwento ito at hindi ko na maalala—pero dati siyang anti-Marcos. Tapos biglang naging pari. Tapos naging

<sup>6.</sup> Si Elsa ang pangunahing karakter sa nasabing pelikula. Ang aktres na si Nora Aunor ang gumanap na Elsa, ang dalagang pinagpakitaan diumano ng Birheng Maria at pinagkalooban ng kapangyarihang manggamot at iba pang mapanghimalang gawa.

bishop na ngayon. Weird. Anyway, iyon. Doon iyong grupo ni Marcelina Cabantayan na nakausap ko doon. Nakita ko siya doon. Mga taga-linis lang iyan. [Ang] dami nila. Noong time na iyon, 1993 siguro, parang fiesta noon sa Batac, kasi parang hinihintay nila si Marcos. So daming mga tao, iyan iyong mga taga-linis nila.

Na-meet ko rin si Raul Tajan na taga-Tondo. Member din siya ng Demokratikong Bagong Pilipino. Sinasabi niya na cult rin ito. May mga anim sila doon and then siya. He left his job in Manila, and then he became a janitor in Ilocos.

Si Marcelina Gatchalian. Member siya ng Gold Eagle, isa ring kulto iyon na based in Pangasinan na ang feeling nila, babalik ni Marcos, in a form of a golden eagle. Kaya ang daming mga gold eagle na hand-carvings sa Batac noon. And ang tsina-channel nila iyon messages ni Marcos through Our Lady of Manaoag. Kaya kapag pumupunta kayo ng Manaoag para mag-pray doon para sa pagpasa niyo sa board [exam], baka makuha niyo iyong si Marcos. Bahala kayo.

And then itong si Teresita Maglahus, ito iyong nagkaroon sila ng grupo, iyong Alpha Omega, na noong time na pumunta ako doon, there were 300 members. Ang tunay na pangalan ng Alpha Omega ay Alpha Omega Sagrada Familia Hesukristo Espirito Santo Samahan ng Anak ng Diyos. Based in Blumentritt ito. Siya iyong naging famous [dahil kay] Mama Rose, ito iyong parang mother nila na kinausap ng . . . mga media . . . ng Harper's [Bazaar] dati, ng New York Times. When I talked to Maglahus, iba na, parang glassy-eyed na siya. Kung magsalita parang suko na talaga. So, I talked to her about sino ang pumatay kay Ninoy at ito iyong sinabi niya na muntik akong mahulog sa aking upuan. Ang tingin nila kay Marcos ay bringer of light, kasi mayroon siyang statue doon sa Batac, nakalagay doon "Daytoy ti manaoag." Ibig sabihin ay "Dito ang dawn." So nauna ito doon sa pagbalik ni Marcos. So, ang feeling nila, si Marcos ang light-bringer to LuzViMin [Luzon, Visaya, at Mindanao]—hindi Pilipinas ang tawag. Kapag titingnan iyong spiritual path ni Marcos, mahaba iyan. Umaabot pa iyan sa, you have to [read] [Reynaldo] Ileto. Doon nila kinukuha iyong light-bringer, hindi ba? At saka iyong Lapiang Malaya na minasaker naman ni Marcos pero ginaya rin niya. Anyway, noong kinakausap ko si Teresita Maglahus, mayroon siyang istampita. Noong nakita ko parang-nasira kasi

Ayon kay Ileto (1997, 1-2): "One Sunday morning in May 1967, residents of Manila awoke to find a strange uprising in their midst. A little past midnight, street fighting had erupted along a section of Taft Avenue between the constabulary and hundreds of followers of a religiopolitical society calling itself *Lapiang Malaya*,

iyong files ko ng mga photos—mukha ni Marcos, naka-ganoon, [naka-]mano pantea. Sabi ko, "Bakit ninyo pinalitan iyong mukha ni Jesus doon sa ganoon?" Sabi nila, "Hindi, si Marcos mismo ang nag-pose diyan." I do not know kung totoo iyan, pero Marcos selfie.

After that, noong dumating na si Marcos—I think he came mga 8 September 1993—pinunta sa Laoag. Noong nandoon na sa Laoag Capitol, naka-seal iyong coffin, pero ang haba ng pila, abot hanggang mga one kilometer. Mga veterans, some of them were saluting the sealed coffin. And then September 10, doon dinala [ang katawan] sa Marcos mausoleum. Sino ang mga nakapunta na sa inyo sa Batac? Hindi ba, nakita niyo iyong . . . aircon na parang . . . yeah? September 10 dumating. After that, umuwi na ang lahat ng mga media. Ako lang ang naiwan kasi taga-Batac ako. Kumain muna ng pinakbet, ganoon. Kasi September 11, iyon ang birthday ni Marcos. Wala na iyong mga media so I talked to Imelda. Sabi ko—naginterview kami—sabi [ko], "Bakit ang tagal bago ninyo pinunta si Marcos from Laoag to Batac?" Sabi niya, "I want him to be beautiful." Iyong

the Freedom Party. Armed only with sacred bolos, anting anting (amulets) and bullet-defying uniforms, the kapatid (brothers) enthusiastically met the challenge of automated weapons fire from government troopers, yielding only when scores of their comrades lay dead on the street . . . . The leader, or supremo, of the Lapiang Malaya was a charismatic Bicolano named Valentin de los Santos. Eightysix years old at the time of the uprising, he had been involved with the militant sect since the late 1940s, building it up to a membership of around forty thousand drawn from the Southern Luzon peasantry. De los Santos's goals were very basic: true justice, true equality, and true freedom for the country. But it was his style of portraying and attaining these goals that made him appear a hero to some and a madman to others. He was, for example, a medium regularly communicating with Bathala (supreme god) and past Filipino patriots, above all Rizal. He linked the attainment of freedom with the Second Coming prophesied in the New Testament. And he subscribed to ancient beliefs in the magical potency of sacred weapons, inscribed objects (anting-anting) and formulaic prayers. Thus, when he declared himself a presidential candidate in the 1957 and subsequent elections, his challenge was regarded with amusement by regular politicians. His demand, in early May 1967, for the resignation of President Marcos was his final act of defiance against the political establishment which he believed at least since 1966 to be currying too much favor with alien powers. The supremo's demand was summarily dismissed, contributing to the mounting tension that exploded in the infamous 'Black Sunday' massacre." Nang mahuli, ipinasok si de los Santos sa isang mental hospital. Dito isinama siya sa mga pasyenteng ganap na mararahas. Pinagbubugbog siya ng mga ito hanggang mawalan ng malay. Hindi na siya nakarekober at namatay matapos ang isang linggo. Sa opisyal na rekord sinabing namatay siya sa pneumonia. Tinukoy ni Ileto sina Sturtevant (1969) at Pastores (1977) bilang ang mga pinaggalingan ng mga detalye sa kanyang pagtalakay sa Lapiang Malaya.

sinabi mo nga—"I want him to [have] a beautiful body." So sinabi niya, kinuha niya lahat ng mga artists, hindi lang mga morticians. Iyon pala—mortician ba iyong ang tawag doon, taga-embalsamo?—iyon palang nag-embalsamo kina Marcos at Ninoy ay iisa, si Frank Malabed na taga-Batac. Sinabi niya tatlong araw nilang... they worked on the body of Marcos. Ibig sabihin, while people were lining up, wala siya doon [sa loob ng kabaong]. Hindi ba? Kasi, how can you work on that? Binigay ko sa Inquirer. Ang Inquirer naman hindi ginamit, so hindi tuloy nalaman [ng tao].

Anyway, and then in 1995–kasi naka-aircon iyon ano at hindi naman binabayaran ni Imelda iyong kuryente-may nakuha akong tip na they will cut the power doon sa Marcos mausoleum. So, pumunta ako doon. Ako lang mag-isa na media noon. Sumilip ako doon sa mausoleum ng mga 2 o'clock [p.m.]. They cut it at 9:00 [a.m.]. Then, noong mga 2 o'clock, sumilip ako, nagme-melt si Marcos. So sinulat ko na naman iyon. Then dumating iyong mga wires. Tapos dumating si Imelda, iyon pina-close na naman. Kaya itong photo na ito, iyan iyong kuha ng Reuters, [ni] Erik De Castro, one day after ng pagpunta ko at sinabi kong nagme-melt siya. Gumanda na naman, ganoon. Pero tawag sa akin ng tawag ang wire about the "melting Marcos." So, doon ko [naisip] na baka hindi na si Marcos iyon, hindi ba? Baka it is a wax [replica]. So, while we are debating about burying him at the Libingan ng mga Bayani, baka nandoon na siya without us knowing, hindi ba? Anyway, after that, bumabalik ako doon sa mausoleum every now and then, kapag may eleksyon, kinukunan si Imelda na ngayon ay isang congresswoman na doon. Iyong Ilocano na lang ang naiwan, si-basta iyong una kong kinausap. Siya na lang iyong naiwan doon. Tumanda na nga rin. Siya na nga iyong parang caretaker. Iyong ibang mga kulto wala na doon. Pero ang tingin ko, tuloy pa rin iyong pagiging Marcos cult, kasi iyan-nandito ba si Robert Basillo?

Anyway, noong eleksyon nagkaroon ng isang partylist, iyong tinatawag nilang FIRM-24K. Have you heard of that? Iyong FIRM-24K ito iyong "Friends of Imelda Romualdez Marcos." Nakapasa siya na partylist, and it was able to garner something like 84,000 votes. So, malakas pa rin, ano? And then iyong FIRM-24K, may 13,000 na members iyan. Sabi ni Imelda wala raw siyang kinalaman, pero tingnan mo naman sa photos, siya iyong nag-induct doon sa head ng grupo nila, headed by Artemio Lachica. Anyway, every now and then, itong grupo na ito, they come to UP Diliman and plant trees. So mayroon din palang Diliman connection itong FIRM-24K na ito.

And then lately, noong November, nag-open iyong mga Marcos loyalists ng Facebook [page]. Sinasabi ko nga ito, siyempre lurker naman ako, sumali ako. From November, ngayon ay meron na siyang 25,000 na members. Kasi kung titingnan natin iyong mga Marcos cults at saka iyong FIRM-24K, mga senior citizens na iyan. Pero iyong nagkaroon ng parang Facebook page, sivempre mga bata na lang ito, hindi ba? Iyong mga techsavvy nga. Anyway, I tried to make an informal survey doon sa Facebook na iyon and then-siyempre alangan namang tanungin ko kung anong mga pinaggagawa nila doon—tiningnan ko na lang iyong mga photos na pino-post doon. Iyan iyong mga photos and doon sa survey ko, one-fourth lang kasi ang haba-haba, ang daming pinost. Sa informal survey ko, there were twenty-five photos of Marcos alone, fourteen photos of Imelda, kinse na photos ng couple, twelve photos of the Marcos family, and six recent photos of [Bongbong] Marcos without Ferdinand. Pero ang grabe doon, si Bongbong. Ang daming photos na tungkol kay Bongbong Marcos, na evidently parang pinu-push nila iyong candidacy siguro ni Marcos. So, there were ten photos of [Bongbong] Marcos lang, five photos of Marcos and Bongbong, and then three photos of Bongbong and Imelda. There were about twenty-five photos of the New Society. Ito iyong mga achievements ng New Society, ganoon. And then there were thirteen photos of PNoy [President Benigno Simeon Cojuangco Aquino III] na puro kagaguhan ang pinagsusulat. And then may mga sixteen photos na mga assorted. So, makikita natin na nage-evolve na iyong pagiging Marcos cult.

Yeah, oo nga pala, may ginagawa kaming libro ni Roland [Tolentino], ito iyong part two noong Mondo Marcos (Cimatu and Tolentino 2010a, 2010b). Ito iyong more serious. Ito iyong mga collection of essays about Marcos and the media, how they manipulated and how the media treated them. Anyway, one of the essays doon ay iyong ginawa ni Belinda Aquino (2000), University of Hawaii, about the loyalists sa Hawaii. She made a study and then napansin niya na 150,000 iyong mga Filipinos sa Hawaii. Ang sabi kasi sa Hawaii kapag hindi ka Ilocano, hindi ka Filipino. She did a study, and sabi niya, 1 percent lang naman talaga iyong maingay. Karamihan sa kanila inimport pa ni Marcos when they were already in exile. So the rest . . . iyong iba hindi mo naman puwedeng tawaging Marcos loyalist, pero ito iyong—how do you say it?—ini-exploit

<sup>8.</sup> Unang nalimbag ang pag-aaral na ito ni Aquino (2000) sa librong Old Ties and New Solidarities: Studies on Philippine Communities. Online mababasa ito sa http://www.hawaii.edu/cps/ilokanos.html.

kasi ni Marcos iyong pagiging Ilocano niya. Pero nakikita iyong interconnectedness of *iyong* shared Ilocano ethnicity, and they saw in Marcos iyong "nasirib," ito iyong smart aleck na intelligent, and, whether we like it or not, they also see him as "natakneng" or upright. And then sinasabi niya, the larger part of the loyalists sa Hawaii, the second type of lovalists, tended to be younger, more educated, and from a relatively middle-class background in terms of having a steady profession or employment. In many cases, such as restaurant and travel agency owners, they have to play ball or dance with the music on behalf of their occupations. They were fully aware of the negative reports about Marcos, especially after the 1986 EDSA upheaval, but it was in their interest to support the Marcos activities, or remain neutral at best. Some prefer to remain silent, iyon ang sinabi ni Belinda [Aquino]. So, doon ako nabagabag, iyong pagsabi niya na some [chose] to be silent, kasi parang nakikita ko ang sarili ko doon. Nakikita ko ang karamihan sa aming mga Marcos babies, just quiet right now. I mean, sinabi nga ni Ma'am Maceda, nandoon pa rin ang Marcosism. And we kept quiet about it. Hindi natin makita iyong connection noong dalawa. Kaya ako natatakot kasi alam mo iyong silence na iyan, diyan pumapasok iyong ating mga nostalgia. Sabi nga ni Arnold Azurin, iyong idol namin ni Choy [Pangilinan] na Ilocano rin, iyong nationalist nostalgia daw. The nutribun nationalism nostalgia hindi ba, na parang—hindi ko ginawa iyon, kinuha ko iyan sa page ng Marcos loyalists—parang wala siyang irony. Parang totoo. So ganoon, if we remain silent, doon papasok iyong mga ulupong, kagaya ng mga Marcos. So, we have to be wary.

RAISSA ROBLES (CORRESPONDENT, SOUTH CHINA MORNING POST NG HONG KONG): Good morning. Before I begin, let me tell you a personal story. This building, the Faculty Center, once upon a time, was where I first met Imee Marcos. She was the main actor in a Tagalog version of Animal Farm directed by Prof. Jonas Sebastian. I was the play's stage manager. I recall that Jonas had to change some of her lines because these would hit too close to home because Animal Farm was about a revolution that went bad. Just like what was then happening with Marcos's "Revolution from the Center." Well, Marcos was overthrown,

Itinanghal ng Dulaang Unibersidad ng Pilipinas ang Asyenda Animal, isinadulang salin sa Filipino ng Animal Farm ni George Orwell sa unang season nito noong 1976– 1977.

and slowly, succeeding governments turned into versions of Animal Farm.

Today, the Marcoses are back and behaving as if the 1986 EDSA People Power Revolution never happened. A growing number of Filipinos—many of them born after EDSA—are even hoping to put Sen. Ferdinand "Bongbong" Marcos Jr. in Malacañang Palace . . .

Let me try to deconstruct how Ferdinand Marcos—a brutal, murderous, and greedy dictator—could even be considered a hero by a number of Filipinos twenty-five years after his death and twenty-eight years after his tyrannical rule. Let me try to deconstruct how his widow Imelda and their three children are now back in the highest rungs of society . . . It is a key lesson to all grafters—steal small, you end up in jail; you have got to steal big like the Marcoses. I use the word "steal" without equivocation because the Swiss Federal Court itself described in its 2003 ruling that returned close to USD 1 billion of what the Marcos loot had become: that all that money was—and I quote—"of criminal origin."

If that is the case, why is there no Marcos in jail? In fact, why are the three of them in positions of power? Let me offer two reasons: One, the foremost reason is that the generation that overthrew the Marcos conjugal dictatorship thought the regime was so brutal and so greedy in its accumulation of wealth and power that people did not need further reminding of it. The People Power generation forgot to document all these for future generations—your generation. Sure, Nick Joaquin came out with the book *Quartet of the Tiger Moon* (Joaquin 1986). And there was that coffee-table book on People Power, <sup>10</sup> but I think they are all out of stock. But to this day, the *History of the Filipino People* written by UP historians Teodoro Agoncillo and Milagros Guerrero—which a lot of schools continue to use as their history textbook—has not been updated to include the Marcos years and the years afterward. <sup>11</sup> Consequently, the succeeding generations really have

Maaaring ang tinutukoy dito na libro ni Raissa Robles ay ang inedit ni Monina Allarey Mercado (1986), ang People Power: The Philippine Revolution of 1986; An Eyewitness History.

<sup>11.</sup> May walong edisyon ang History of the Filipino People. Sa una at ikalawang edisyon (1960 at 1967), ka-may-akda ni Teodoro Agoncillo si Oscar Alfonso. Mula ikatlo hanggang ikapitong edisyon (1970, 1973, 1977, 1984, at 1986), ang naging ka-may-akda naman ni Agoncillo si Milagros Guerrero. Tanging sa ikawalong edisyon (1990) kinikilala si Agoncillo bilang solong may-akda. Hindi totoong walang pagtalakay ang textbook na ito sa panahon ng batas militar. Sa ikalimang edisyon ng libro (1977), ayon kay Totanes (2010, 336): "Unlike the deleted chapter on 'The Continuing Crisis,' the new

no idea why si Malakas at si Maganda, the powerful and the beautiful (basahin ang appendix 5.4, 605–06)—that was the myth propagated by the Marcos couple about themselves—are really si Marahas at si Mapurot. In Waray, "mapurot" means ugly and undesirable.

Part of the reason is that many intellectuals who could have written about that period and that era were co-opted by the dictatorship to become propagandists or to turn out think tank reports. They are therefore ashamed to reveal what they did during martial law. The building where the UP Asian Center used to be was the seat of the Marcos's think tank. Do you know what that building is, across the College [of Law]? It was called the Philippine Center for Advanced Studies or PCAS. Its head was Col. [Jose] "Joe" Almonte. Whatever study Marcos wanted, it churned out. I know because as a young graduate of UP Diliman, I was hired to do radio scripts for its "Kasaysayan ng Lahing Pilipino" series. I quit before the series touched on Marcos.

In the absence of an extensive history covering the Marcos regime, the Marcos family was able to hawk the following myths to new voters: (1) martial law was a "benevolent dictatorship"; (2) there were no human rights abuses during the period—as senator Bongbong Marcos said, the alleged victims are only after money; (3) the economy boomed under Marcos; and (4) Marcos was the greatest president since he built the most number of infrastructures, notably the Cultural Center [of the Philippines], Folk Arts Theater, [Manila] Film Center, [Philippine] Heart Center, [National] Kidney [and Transplant Institute], Lung

entitled 'Under Martial Law' did not mention specific instances of corruption or police brutality-even though these continued to occur. Instead, the new chapter showed that Marcos's imposition of martial law resulted in improvements in the peace and order situation, infrastructure, labor conditions, and so on, and that restrictions on civil liberties were in the best interests of the people." Sa ikawalong edisyon ng textbook (1990), na nabuo limang taon matapos pumanaw si Agoncillo-sa tulong na rin ng mga dati niyang kasamahan na sina Bernardita Churchill, Isagani Medina, at Samuel Tan—ito ang napuna ni Totanes (2010, 337): "The new addition to the eighth edition was a three-page chapter entitled 'The Edsa Revolution,' which summarized the events that resulted in the restoration of democracy in the Philippines. It is remarkable that this chapter appears in the same book as the restored 'The Continuing Crisis,' and immediately after 'Under Martial Law,' with no explanation regarding the dramatic shifts in the characterizations of Marcos from a newly elected president dealing with instability, to a benevolent leader during the martial law years, to a dictator overthrown by the Filipino people." Noong 2012, muli na namang nilimbag ang ikawalong edisyon ng History of the Filipino People sa ilalim ng C&E Publishing, Inc.

Center [of the Philippines], and the San Juanico Bridge, the "Bridge of Love." You can see this particular claim all over the social networking sites Facebook and YouTube (*basahin ang* appendix 5.5, 607–14). I will take these up now one by one.

Marcos called his regime a "benevolent dictatorship", a "smiling martial law." The reality, as Dr. Maceda pointed out, was that fear prevailed throughout the country, and the smile was grotesque. In the Catholic school which I attended, a directive came down from the nuns after martial law was declared. Henceforth, during lunchtime, we were banned from eating three or more to a table because that would be a form of illegal assembly. What do girls not even in their teens know about subversion? I had no idea what it meant at that time, but that was how much Marcos controlled the population. The military and the police could also pick up anybody at will on the street or right in their homes, and one had to be very careful about making jokes about the Marcoses and the "New Society" in public. It was really only after the Marcoses fell that Filipinos got to know the full horror of the "New Society." There were at least 10,000 human rights victims who were killed or were tortured and survived.

Just to give a rough calculation of how bad the human rights situation was and the extent of dissent against his "New Society": for every month that Marcos held on as a dictator while his wife, Human Settlements Minister Imelda Marcos, indulged in shopping sprees abroad, seven hundred human rights victims would be added to the roster. Or for each day he was in power as dictator, there were twenty-three new victims everyday. Or almost every hour of the fourteen years he remained a dictator, nearly one citizen was killed or tortured. Think about that.

Even the beautiful governor of Ilocos Norte, [Maria Imelda Josefa] "Imee" Marcos, has blood on her hands. A student named Archimedes Trajano once questioned her—he was from Mapua [Institute of Technology]—why did the daughter of the president have to be the head of the Kabataang Barangay (*basahin ang* appendix 5.6, 615–620)? That was the question. That is very tame if you compare it to the questions these days. But, the next time he was found, he was dead. Although I was never an activist, I knew arrests were going on, because my father, 12 who was a UP professor, played a role in getting some of them out of

<sup>12.</sup> Ang ama ni Raissa Robles, si Jose F. Espinosa, ay propesor noon sa Kolehiyo ng Batas sa UP Diliman.

jail. One was Gerry Barican. I am not sure if another was Herminio "Sonny" Coloma. Another was someone who I believe would have made my father turn in his grave today. His name was Gary Olivar, president Gloria Arroyo's propagandist. You know, this is interesting. All three that my father helped get out of prison became presidential spokesmen. I do not know if that is good, or that is bad.

I can laugh about this now. But at that time, my father's actions had serious consequences for my family. The Bureau of Internal Revenue (BIR) suddenly told my father they could not believe he was that poor. If only the BIR had conducted a home visit, they would know, but it kept hounding him for high tax payments. In desperation, my mother turned to a neighbor employed at the BIR. He told her that the assessment for that year would be settled provided she paid something "for the boys." Every time that happened, my mother had to take it out of our food budget. I remember there were times that we were able to eat only because a customer of my mom—she sewed dresses at that time and she had very interesting clients: the wife of [Francisco] "Kit" Tatad—Kit Tatad was my dad's student in UST [University of Santo Tomas]—and the wife of Gen. Rafael "Rocky" Ileto, because the late Olga Ileto was her best friend—would suddenly pay her.

And so, even though I was not an activist, I knew first-hand the consequences of dissent against Marcos. And that is not all. Marcos and his in-laws, the Romualdezes, had nearly total control of Philippine media: the TV, the radio, the newspapers. The Marcos-Romualdezcontrolled media did not show the true extent of crime in the country, especially the Mindanao wars, the wars when Nur Misuari, Hashim Salamat, and Murad Ebrahim fought as one under the banner of the Moro National Liberation Front. An estimated sixty thousand to eighty thousand civilians and rebels died in Mindanao between 1972 and 1976, and over one million residents fled. Marcos redrew the Southern Philippine map, wrenched Palawan away from Mindanao, partitioned the South, and gave these to his various military commanders to govern. Marcos's actions in Mindanao and the ignorance of the people of Luzon about these-that is including me-would fuel mistrust between the two populations and add to the misunderstanding of why the Muslim South wants autonomy to this day.

Let me go now to Marcos's achievements during martial law. It is true that he built those buildings and the bridge in the twenty years he was in power, from 30 December 1965 to 25 February 1986. But at what costs? And how much was his commission? How much was his

tongpats? When he became president in 1965, the Philippine foreign debt was less than USD 1 billion. By the time he and his family fled, this had ballooned to USD 27 billion—a nearly USD 26 billion increase. That is over USD 1 billion every year. The Presidential Commission on Good Government (PCGG) that was formed in 1986 estimated that the Marcoses had managed to loot up to USD 10 billion. That is 40 percent of what the regime borrowed. But those who love him never talk about the foreign debt his government left behind (o ang mga serbisyo publikong sadyang pinabayaan para paboran ang mga impraestuktura na itinayo gamit ang pagkalalaking utang-panlabas; basahin ang appendix 5.7, 621–24). Nor do they talk about one other key achievement of his governance: the substantial devaluation of the Philippine peso.

When Marcos was elected in 1965 on the promise that "This nation will be great again," the value of the peso was PHP 3.90 to USD 1.00. When he proclaimed martial law in order to build a "New Society" in 1972, the peso had sunk to PHP 6.77 per USD 1.00. When Sen. Benigno "Ninoy" Aquino was assassinated in 1983, the peso plummeted to PHP 11.00 per USD 1.00. And when the Marcoses fled in 1986, it was PHP 20.00 per USD 1.00. Those are the real achievements of Marcos: a USD 26 billion increase in foreign debt, a nosediving peso from PHP 3.90 to PHP 20.00 per USD 1.00, and possibly USD 20 billion in payoffs. On top of this, there is the grinding poverty symbolized by Manila's Smokey Mountain and the export of Filipinos as slave labor to the Middle East (basahin ang appendix 5.8, 625–32).

Please consider this: According to the 2003 judgment issued by the former supreme court chief justice Renato Corona—you know, actually, he was my good source before all of this happened—Corona decided on Civil Case No. 0141 or the civil forfeiture case against the Marcoses.<sup>13</sup> He said, the Marcos couple's net worth was USD 957,487.75 or under USD 1 million when they fled in 1986. So how do the Marcoses even account for the USD 356 million which the Swiss government unilaterally froze in 1986 and gave back to the

<sup>13.</sup> Ang aktuwal na sumulat ng desisyon sa nasabing kaso ay ang noon associate justice Maria Lourdes P.A. Sereno. Ibinaba ng Korte Suprema ang hatol noong 25 Abril 2012 sa pinag-isang kaso na Ferdinand R. Marcos Jr. v. Republic of the Philippines (G.R. No. 189434) at Imelda Romualdez-Marcos v. Republic of the Philippines (G.R. No. 189505). Mababasa online ang desisyon sa http://sc.judiciary.gov.ph/jurisprudence/2012/april2012/189434.htm.

Philippine government with interest? In addition, how does Imelda Marcos account for her three jewelry collections worth a combined USD 4 million?

Last month, one [jewelry] collection was awarded to the Philippine government. But last week, Sen. Bongbong Marcos submitted an appeal to have the decision reversed, saving the government never specified this particular collection in its forfeiture suit. This is the collection they accidentally left behind in their haste to flee the mob. He also said a curious thing last week. He was talking about why President [Benigno "Noynoy"] Aquino [III] had to apologize to Hong Kong. He said, "The refusal to apologize I find hard to understand." That is what he said. This raises serious questions why Bongbong Marcos wants to be president in the first place. Is it to quash all pending cases against the Marcos family and to retrieve the assets? The government has hinted it will auction off the jewelry. That would be a gross mistake. The jewelry belongs to the Filipino people. It was acquired with the blood of human rights victims and the shattered promise of a better future. It is part of our process of remembering as a people the grandscale plunder and corruption that took place during the dictatorship and, that should never happen again.

Do you know that I tried to obtain photos of the jewelry from PCGG, and I was told not yet because this is under litigation? But do you know that the same pieces of contested jewelry have been published in a coffee-table book called *Thoroughly Imeldific?*<sup>14</sup> The public does remember Imelda Marcos's jewelry but in the wrong context. The jewelry projects her as a patroness of the arts and a lover of the true, the good, and the beautiful . . . not as the shopaholic who diverted for her own pleasure the tax money that should have helped the poor. For Marcos lovers like Irene Vinluan—and this I found on Facebook—such displays of corrupt practices apparently do not matter. She wrote on the Facebook page of Marcos's daughter, Imee and I quote, "I love the Marcoses! During the time of his presidency, despite of his corruption, at the same time, he also did good for the country.

<sup>14.</sup> Si Diana J. Limjoco ang pribadong nagpalimbag sa limitadong bilang ng nasabing libro, posible noong 2010. Kalipunan ang libro ng mga litrato ng alahas ni Imelda Marcos na si Limjoco mismo ang kumuha noong Agusto 1988. Isa siya sa dalawang potograpo na nagdokumento sa mga alahas ni Imelda Marcos na noon nasa pag-iingat ng Central Bank of the Philippines, ang ngayon Bangko Sentral ng Pilipinas. Makikita rin online ang mga litratong ito ng alahas ni Imelda Marcos na kuha ni Limjoco sa http://djl.net/jewels/index.html.

The streets was [sic] cleaner, not much street crimes (basahin ang appendix 5.9, 633–36), the Philippines was one of the richest in Asia." Let us replace the word "Marcos" with "Hitler," and use "Germany" instead of "Philippines," and see how that reads: "I love Hitler! During the time of the chancellorship, despite of his corruption, at the same time, he also did good for the country. The streets was [sic] cleaner, not much street crimes, Germany was one of the richest in Europe."

Unfair? Not at all. Marcos himself disclosed that one of the things he studied in preparation for declaring martial law was how Hitler took control of Germany. Another reason—the second reason—why we have this serious memory gap about the Marcoses' evil deeds is that they and their supporters are exploiting certain cultural norms and Filipino values to help them propagate their own version of reality. Here are four such norms: the first norm is, respect your elder. Ferdinand Marcos exploited this by calling himself "ápo," which in Ilocano means "elder person in authority." And Imelda Marcos, no matter how foolish she sounds and how much in debt she sunk the Philippine treasury because of her wanton shopping sprees, is still accorded similar respect because she is old. One of the things I vividly remember the day after the Marcoses fled was my visit inside Malacañang Palace. As a political reporter for Business Day newspaper, I was able to get inside the palace, and I could go anywhere. I went into all the bedrooms of Ferdinand Marcos and Imelda Marcos. These were all big, but they were both dark because of all the bulletproof glass that was installed. But the Marcos children's bedrooms were all dark, and they were all small. Anyway, Bea Zobel, wife of Jaime Zobel and her friend Mercy Tuazon were both inside helping to tally up the goods that had been left behind. "Have you seen Rustan's?" I remember one of them telling me. I said no. They led me to a room beneath Imelda's room. All her shoes were there, plus stacks and stacks of underwear and brassieres. But one thing that struck me was inside her bathroom. It was a huge bottle of branded perfume which was nearly as tall as I am and as big as I am. I do not think you could have finished it by spraying it in one lifetime unless you bathed in it. I also remember that every room in the Palace had a bunch of wilting flowers. Imelda Marcos spent a princely sum on imported flowers, according to PCGG findings. I also covered PCGG, and as disclosure, I was covering the Metro Manila Commission of Imelda Marcos.

When Ferdinand Marcos died in 1989, his family and supporters exploited a second cultural norm: do not speak ill of the dead. This one

goes against the very writing of history. I understand that the history majors in UP is now an endangered species, but Dr. Ricardo Jose told me that there are more people now studying history. But you know, this is crazy, this is sad, and this is pathetic. A nation cannot move forward without drawing lessons from its past, and I salute those who continue writing history despite financial challenges.

The third cultural norm that Marcos lovers throw at critics is: forgive your enemies. A person who does not forgive his enemies is often labeled vindictive. And if he is a politician, he is called politically vindictive. I remember that during the presidency of Corazon Aquino, the board of censors chief Manoling Morato told the public to stop demonizing Marcos in the spirit of reconciliation. We are now reaping the consequences of that advice. Marcos's children and his wife to this day insist their father did no wrong, [that] there were no human rights violations, and he is the country's greatest president.

The fourth cultural norm has very serious implications for the country's future, and this is: do not bring the sins of the father on his children.

Even the left-wing activist, former congressman Satur Ocampo, justified Bayan Muna's strange political alliance with Bongbong Marcos in 2010 using this very argument. Ocampo said, "We are not collecting from the son." He forgot what the son said: that the human rights victims are only after money. In any case, the son has long been in cahoots with his father and mother. He early on tried to get someone to withdraw the stash from Switzerland. In fact, the son is now the legal executor of his father's estate. And long before that, the son was one of the named beneficiaries of the USD 356 million Swiss bank accounts. You see, the Marcoses' secret Swiss accounts were all under pseudonyms, but the Marcos couple had to sign separate bank documents saying they owned these accounts (basahin ang appendix 5.10, 637–44). They also had to sign another set of papers naming their beneficiaries in case they died.

In February 2011, I was lucky enough to be seated at the same luncheon table as Sen. Bongbong Marcos during a press conference of the Foreign Correspondents' Association of the Philippines (FOCAP). I was also able to ask him questions. In answer to my questions, he told me he would continue to pursue a compromise settlement with the government on the Marcos cases and frozen assets, but he refused to confirm that he was named a beneficiary in the Swiss accounts. Here is a direct quote of what he said when I asked him to confirm that he

was a named beneficiary of multi-million dollar accounts in Switzerland. He told me, in public, in front of the other FOCAP correspondents: "I cannot confirm because I have not seen or read them," meaning the documents. "I do not know. I cannot say that I know. Definitely, the Swiss money were there or are there now. It is for us. Again this constant, that people are saying, more and more participating in that." That is all that he said. You know, no member of the Marcos family has stood up and said, "Yes, we own the Swiss accounts." They have done all their fighting through their lawyers there in Switzerland. Poor boy, he has not read the documents that his father left in Malacañang. The only reason why we know of the Swiss accounts was because of the documents they left behind. I have read copies of those documents.

Understandably, the dictator's children are trying to reinstate their father politically, but they are doing it with our tax money. For instance, many key activities of Governor Imee Marcos for Ilocos Norte [are] intended to praise her father Ferdinand Marcos. Last year, she held the "President Marcos Cup," [which was a] practical shooting contest. She held a rock concert called "DaReal Macoy Concert 2." She held a "Marcos Fiesta 2013 Flash Mob Full." It is on YouTube. It details the life of Marcos and Imelda in dance. And she also held the "The First Ferdinand Marcos Sirib Intercollegiate Debates 2013." September 11 last year, Marcos's birthday—she dubbed it "Marcos Day"—Imee Marcos held a "Little Macoy and Imelda Sing-Alike," a "Marcos Quiz," and a "Marcos Heritage Trail Free Tour." In 2012, the family published a book on the arts and culture of the Marcos era.<sup>15</sup> And of course there is the year-round exhibit of Marcos's waxed cadaver as well as a museum of remembrance. All these are intended to project the Marcos version of history. Before Facebook and Twitter came about, such goings-on would have been confined in Ilocos, but not anymore. The Marcoses are now actively using Facebook and YouTube to project their father as the greatest president this country ever had.

Now let us see how attitudes to the Marcoses have changed. The Social Weather Stations (SWS) has tried tracking public sentiment

<sup>15.</sup> Ang University of Santo Tomas Publishing House ang naglimbag ng Institutions and Icons of Patronage: Arts and Culture in the Philippines during the Marcos Years, 1965–1986 ni Pearlie Rose S. Baluyut (2012). Pero inilunsad ang librong ito noong 11 Setyembre 2012 sa Malacañang in the North sa Paoay, Ilocos Norte bilang bahagi ng "Marcos Fiesta: Apo President Ferdinand E. Marcos 95th Birth Anniversary Celebration." Ang probinsyal na gobyerno ng Ilocos Norte, sa pamumuno ni Gob. Imee Marcos, anak ng yumaong pangulo, ang nangasiwa sa pagdiriwang.

regarding Ferdinand Marcos. Dr. Mahar Mangahas said that by 1998, twelve years after Marcos was booted out, SWS took a poll and compared it with previous similar polls it had taken. SWS found out the following: on the statement that Marcos was a "thief of the nation's wealth," public opinion "shifted from unfavorable in 1986 to neutral in 1995 and 1998." On the statement that he was a "brutal and oppressive president," public sentiment had shifted "from a split opinion in 1986 to a favorable opinion in 1995 and 1998." On the statement that Imelda Marcos was definitely guilty or not guilty of graft—remember she had a graft case for which she was convicted—SWS found that half thought she was "definitely guilty" and only 14 percent said she was not. That graft case, she was eventually acquitted because inexplicably, or maybe we could explain it really well: Marcos's cousin Fidel Ramos had a solicitor general who went up to the Supreme Court and said that we made a mistake, Imelda did not do it.

Remember the cultural norm, do not speak ill of the dead? In 1998, Dr. Mahar Mangahas of SWS wrote about a remarkable softening of public opinion toward Ferdinand Marcos, and he gave two reasons. He said, "Part of the softening toward Marcos is simply due to demographics. The old pass away, and the youth take their places." But he added, "Another part, in my view, was due to the fact that in 1986 Marcos was still alive and unrepentant in exile, whereas in 1995 he was already dead." He added that the survey results were "not about the character of Marcos but about the character of the Filipino people." In other words, the survey revealed the attitude of the Filipino people, more than about Marcos, "that not many of us would care to hold a grudge against someone long dead, not even someone like Ferdinand Marcos." Dr. Mangahas talked about holding a grudge against Marcos, but what about keeping a historical truth constant? Making sure the truth survives generations? By 2011, Ferdinand Marcos had made a remarkable comeback in public consciousness. When SWS asked respondents to identify their "top three most identified Filipino heroes," Jose Rizal, Andres Bonifacio, and Ninov Aguino topped the list in that order. However, Marcos made the list—he was cited by 5.1 percent of respondents. One could say that is the loyal Ilocano vote at work. However, he even bested Ramon Magsaysay and Lapu-Lapu.

A third reason, I believe, why Marcos has been rehabilitated and the Marcoses are back in power, is the kind of leadership we have had since 1992, or six years after their fall. As soon as President Fidel Ramos warmed his seat in Malacañang, plans were afoot to forge a compromise settlement with the Marcoses. By 1993, one was drawn up and it went something like this: 75 percent of the Marcos loot would go to the government, but the Marcos family would keep 25 percent tax-free. All their cases would be dropped. And who is to say what the total loot really was. Just think. If the late Atty. Frank Chavez had not petitioned the Supreme Court to stop this deal, the Marcoses would have walked off with billions of pesos, no sweat. President Joseph Estrada, who succeeded Ramos, tried to push the same deal. Fortunately, in December 1998 the Supreme Court threw out the deal and all future talks of compromise. Associate Justice Artemio Panganiban, who penned the decision, wrote then that, "The waiver of all claims against the Marcoses would be a virtual warrant for all public officials to amass public funds illegally, since there is an option to compromise their liabilities in exchange for only a portion of their ill-gotten wealth" (basahin ang appendix 5.11, 645-58). That is the message of Marcos to all politicians, actually. If you must steal, steal big.

What can we do as Filipinos?

My husband, Allan Robles, who is also a journalist, has repeatedly pointed out to me that Berlin has a documentation center for Nazi crimes. We need to have the same that documents what the Marcoses did, especially the actual records of torture—Amnesty International reports of that era and the first-person accounts from all sides, including those of the Marcoses. My husband has compiled a short list of sources in his satirical website hotmanila.ph, but he has been unable to work on it. Hotmanila is the oldest satirical site [in the Philippines], put up fourteen years ago, it broke the story on the Love Bug virus. And come February of the People Power time and the birthday of Marcos in September and the declaration of martial law, Hotmanila.ph becomes flooded with Marcos jokes and they hurl all sorts of insults, and it is fun to read them.

A Berliner told me last October that schoolchildren are told of Hitler's crimes. The Marcos crimes should be written down as well, in black and white in our history books and taught to our children. Besides writing such books, academics can compile—online and offline—a list of credible references about martial law, a historiography of martial law, and we need to engage the Marcos lovers online by vigorously challenging their delusions and their attempts to erase history (basahin ang appendix 5.12, 659–62).

The Marcoses destroyed our country and now they are covering up for their crime. Please note that during martial law, a seminar like this would have been impossible. All of us would have been arrested within an hour. That we are speaking freely now is a testament to how far we have gone in our democracy. That we are still talking about the Marcoses' probable comeback to center stage shows how dangerously we are regressing and forgetting.

In closing, I would like to show you two souvenirs of martial law, to show you that it did happen. I am wearing what I would call my "Macky" watch. It is actually a watch [with] Ferdinand Marcos's face. It was given during his birthday in 1977 and a dear friend gave it to me. It shows the extravagance of the Marcos period. Now, I want to show you another one that my husband was able to get just before he went over the gate on the night the Marcoses fled. This is a piece of the barbed wire that he cut from around Malacañang. Marcos was afraid of his own people. This is an actual piece of that barbed wire.

So, do you remember Malakas at Maganda? In the public consciousness, we have to change that myth to Marahas at Mapurot—mapurot meaning ugly and undesirable. That is all.

#### Malayang Talakayan

**CAMAGAY:** Napakayaman ng impormasyon ang naibigay ng ating tatlong tagapagsalita at mapalad tayo na nakinig sa kanila, lalong lalo na itong mga estudyante natin na talagang walang kaalaman tungkol sa bahaging iyon ng ating kasaysayan. So, sa puntong ito, malayang magkomentaryo at magtanong ang ating mga estudyante.

AARON MALLARI: Magandang umaga po. Ako po [ay] mula sa Departamento ng Kasaysayan. Maraming salamat po sa napakagagandang mga presentasyon ngayong umaga. Ang tanong ko po bilang isang batang guro ng departamento, isa talaga sa gusto kong maabot ng talakayan namin sa Kasaysayan 1 ay iyong panahon ng batas militar. At isa talaga sa gusto ko rin ay mabigyan sila ng ideya at ang sarili ko na rin na ma-remind sa batas militar, dahil hindi naman talaga namin siya naranasan. Nire-recognize natin ang value sa pagpapaalala doon sa lahat ng mga atrocities ng batas militar para doon sa call natin na "never again" sa martial law or sa atrocities ng authoritarian government. But my question is, how do we strike a

balance between teaching it in such a manner that they would have the consciousness of the period and not necessarily demonizing the Marcos government or Marcos himself? Because I believe that in tackling the topic in such a manner of almost demonizing them, we are also propagating a particular myth, in a sense. They are also being demonized. One semester when I was discussing this period—and I was showing a documentary about this period—one of my students really walked out of the classroom because she was an Ilocana and she had a hard time really accepting what she was watching. So we had a consultation together and as a young member of the faculty, I really had a hard time handling the situation because I had a particular bias in mind when I was doing that lecture. I wanted them to know the atrocities of that period, but then, when this student walked out, I really did not know what to do because here we have a student brought up in a family of loyalists and she already had a particular mindset regarding the martial law period. So, what I would like to get from you is your opinion on how we try to discuss it in such a manner that we are not really offending the sensibilities of other people who might have a different point of view regarding it? How do we not demonize it but still get the message across of "never again"?

MACEDA: Bawat taon sa aking mga kurso, sa lahat ng aking mga kurso, graduwado man o undergraduate, tinitingnan ko na kapag dumadating na ang September 21, August 21, iyong First Quarter Storm sa January, at February 24 to 26, nagpapalabas talaga ako ng ginawa ko. I really spend hours on it kasi ang suwerte ko I have the voice clips of Pepe Diokno, Ninoy Aguino, Senator [Lorenzo] Tañada, Lean Alejandro, kasi gumawa nga ako ng documentary. Hindi ko pinoproblema iyong demonizing. Anong demonizing? Tayo ang dinemonyo. You cannot, as a teacher, not take a stand. The facts are there. Ipakita mo. Ipasalita mo sa kanila. You do not even have to interpret. All my PowerPoint [presentations], I can give them all to you. They are available for free. Ang gusto ko lang ay marinig nila iyong mga talagang humamon sa batas militar. Marinig nila ang boses ni Monico Atienza na naglalarawan ng paglipat-lipat niya sa mga ano . . . And they have to be in short clips kasi kapag hahabaan mo, hindi na makikinig ang mga estudyante. Ang kailangan dito, siguro thirty seconders, at most one [minute] and a half. At ang palagi kong pine-play ay ang musika na nilikha natin sa martial law. At hindi ko pa nga naipakita dito, iyong mga cartoons. Kasi, once I went to the library and I asked kung nasaan na iyong mga lampoon issues ng [Philippine] Collegian. Kasi, I remember during martial law, [merong mga ganoong issues]. Once every year naglalabas ang Collegian ng lampoon issue. Dapat mabilis ka kasi madaling mawala iyon. "Ay, tinapon namin ma'am, kasi comics iyon," sabi nila. Pero masuwerte ako na nakakuha ako ng iba. And then Ibon [Foundation] also had a lot of imaginative graphics na nagi-interpret ng datos . . . Pero ang mahalaga dito, let the data speak. You do not even have to comment. Kasi kapag makita nila iyon—at importanteng marinig nila ang mga boses nila Diokno—kasi hindi na nila kilala ang mga ito. At masuwerte tayo ngayon that we have the technology. You can download so many things from YouTube, including] iyong mga hindi accessible [dati].

I remember na noong pumunta ako sa Sto. Niño Shrine, I was amazed na hindi naman iyon [maituturing na] shrine of Santo Niño kung hindi talagang luho. Can you imagine iyong ceiling na wineave iyong narra wood? It is really a testament sa craftsmanship. Iyon ang ano ni Imelda, nagpadala siya doon ng mga craftsmen from Betis, [Pampanga]. Marunong siyang pumili . . . Ewan ko kung saan niyang talent nakuha iyon. But she did use a lot of native materials and native craftsmanship at the same time na nagsa-shop siya abroad. She did spend [a lot]. Ang favorite perfume niya was Joy . . .

Kahit hindi sa iyo nangyari iyon, importante na ikuwento natin ng ikuwento. Ang ikinamamangha ko, o ang ikinaiinisan ko, ay bakit kaya walang mga nobela tungkol sa martial law? I read one iyong Eating Fire, Drinking Water (Chai 2008) at I usually read a portion of it to my students and then I read an excerpt from Closer Than Brothers (1999) ni Al McCoy para sa actual. The fiction and the actual. The actual is even more horrible than the fictionalized. Sabi nga ni Gabriel Garcia Marquez, it is so easy being a writer because the reality is much more horrible than any fiction you can ever write. The thing to do is—and we have this talent for telling a story—huwag natin tanggalin iyong telling a story. It must be in children's books, hindi lamang sa grade school. Nasa children's book dapat iyon. There is a way to do it. Other countries have done it.

And then, as a teacher, I advise you, I always tell my students that there is no such thing as objectivity. The moment you focus on something, you are already interpreting. *Ipaliwanag mo ang iyong* stand. But for the most part, I let the data speak. So, even your PowerPoint presentation, you must know. It must be well-done. It must be. *Kasi* video-oriented *sila*. I am a sound and video editor so I can do it. But it must be short, powerful, *kasi iyong* memory *mo*, it will anchor itself

on graphic images or on words. And then they can talk about it later. There always must be a reflection on what you saw, no matter what the reflection is. That is where the participation goes.

But whatever subject you are teaching, every year, you must talk about martial law. Whether it is in literary theories or historiography, kasi history ay pagsabi ng historya. Paano natin sasabihin ang historya natin? If you accuse us of demonizing Marcos, he demonized himself. Nobody else helped him do it. He did it himself. We are the myth breakers. Ang tawag ko nga sa kaniya salamangkero. He duped us. Twenty-seven medals. On the day that the US military sent a document saying that the [Ang] Maharlika group did criminal activities during the war was the day that Marcos gave an interview on his war exploits and unfortunately it was the interview that got more mileage than the document. Let us look at the documents. And I am very happy that there will soon be a museum on martial law that is going to be erected.

ROBLES: You know, maybe what you can do is to shock the minds of your students. You would need some preparation for this. Before February or September, you could ask, find out who likes Marcos—the Marcos loyalists, Marcos lovers—and the anti-Marcos, and then put them into two teams and give a topic such as the human rights records of Marcos and make the Marcos loyalists take the opposite side, so they have to research and they will be forced to research. And tell them that part of their grade depends on this. So you will have the Marcos loyalists castigating the human rights records of Marcos and the other side defending and that would be an interesting thing. And you can just say if anyone objects, "You know this is not fair," you can say that debates are done all the time and maybe you should practice it.

The second thing is, I do believe, as Dr. Maceda said, let the documents speak for themselves, you know. If you have a loyalist in your class, you can even ask that loyalist to voice out why the family is so loyal (*basahin ang* appendices 5.13, 663–70, *at* 5.14, 671–74). I always believe in finding out the perspectives of as many sides. That is why I go out of my way to interview the Marcoses. I have interviewed Imelda and Bongbong Marcos. It is good that you get all perspectives. And that is what history is about. You have to find out the points of view of all the sides.

CIMATU: Kami naman, I am talking about the Marcos babies. Ang national language kasi namin irony and sarcasm. Ang aking education

kasi about the Marcos[es], hindi naman sa nababasa ko, kasi wala akong nababasa. It is in reading Jingle magazine, iyong joke page. Tacit iyong paglalaban pero nandoon. Sa panonood kay Mike de Leon—hindi kay Lino Brocka, kay Mike de Leon (1982) ako natuto—iyong sa Batch '81. So oblique lahat, tangential. Sinabi nga ni [James] Fenton ang mga Marcos babies may mata sa likod. Iba iyong tingin namin. Sa pop culture namin kinukuha. Iyong galit namin kay Marcos nag-overflow when binan niya ang Voltes V. We saw doon iyong Boazanian empire ni Marcos. So ganoon iyong education namin. It was pop culture. Doon kami lumaban kasi doon kami sinira.

ESTUDYANTE: I was born in 1996. But I was still a baby and my consciousness came around 2005, So that is the perspective I am talking about. The growing sentiment among people of my generation or at least the people I see in my newsfeed who share pro-Marcos posts [is that] Marcos [is the] greatest president, [he has the] greatest achievements, [and they list] all his achievements. And when you share a picture on Facebook, you have this option of sharing your thoughts. And the thoughts that they write are iyong [mula sa] mga matatanda who grew up during the Marcos era. They forgot all the good that Marcos did because it was overshadowed by all the bad that he did. So, that is a growing sentiment I see on my Facebook news feed. So, is that true? That the people who lived in the Marcos martial law era, did they really forget all the good that he did because of all the bad that he did? Is Marcos not the greatest president? And great does not have to mean positive. Great can also go both ways. Could he be the greatest in terms of achievement? Is he really the greatest in terms of crime? My consciousness started, let us say, 2005. I did not witness the events firsthand and I think it was [Miss] Robles who said that a lot of these controversies were not made [known] to the public until after the martial law itself. So, even the people who lived during the martial law did not experience these firsthand. They did experience some stuff, especially when some relative went missing, but a lot of these controversies came out only after. So, how do we know if a lot of these anti-Marcos propaganda are not made by his enemies? How do we know if a lot of these anti-Marcos [claims] are made by political enemies, to try to get his assets away, and to make sure that his [family] does not get voted like Bongbong Marcos? Because it is already a given fact that pro-Marcos sentiment is propagated by Marcos loyalists. But what about the anti-Marcos sentiment? How true is that?

**ROBLES:** You have a very good point. One of the problems was that a lot of the documentation of the Marcos crimes were in the hands of the military and it was only when Voltaire Gazmin became defense secretary that he started releasing the documents on the tortures of the Marcos victims. We need a lot of documentation to come out. You want proof that does not come out from people who are biased, I think that is what you are saying. Well, the proof is all on paper. And all those documents have been sealed. I talked to the Commission on Human Rights Chair Loretta Ann Rosales about these documents and she said that it is really, really voluminous, but they are going to try to put it online, as well as to put together a room where you can actually go and look. Now, as to how do we know that we are not demonizing? I think vou would base it on the credibility of the person speaking. And you also have evidence ready. Like for instance, the assassination of Ninoy Aguino. That is very well-documented. How can a person in a high security area suddenly get shot while being escorted by authorities? I mean, you have to ask yourself. And the only conclusion you can make in your mind was that he was shot with a purpose.

And is there anything good that the Marcoses did? You have to look at the entire thing. It is true that the good things that they did like the Cultural Center [of the Philippines], the different hospitals, in a way they are good because they are being used. They were really overrun by the monumental bad things that they did. Is Marcos the greatest president? You know, "greatest" in English has a very positive connotation, so you cannot say he is "great." Well, he is a great thief, but you can say it satirically. What Marcos had done-I have been thinking about this for some time now—there were two revolutions in our country: 1898 and 1986. The first revolution that we had was against a colonial master. The second revolution we had was against a local despot. In both revolutions, we served as inspirations to other people in Southeast Asia. In the first revolution we had in 1898, we also inspired them to rise against their colonial masters. In the second revolution we had in 1986, we again inspired them to rise against their local despots. Maybe the thing that Marcos did for the country was that we realized that we can overthrow someone who did very bad things to our country. But now, we are realizing at this point that it is not enough to overthrow. This is a continuing revolution and it is not yet finished. Think Janet Lim Napoles. Think Juan Ponce Enrile. These are the things that we still have to fight against.

MACEDA: Siguro, para sagutin ka, military brat ako, kaya firsthand ko nakita. Ang father ko was the dean of the Philippine Military Academy, from 1965 to 1974. So, ang mommy ko, tuwing dadating si Imelda, she had to go and play host. And yet, in every family, may split; when it came to taking positions, we took different positions . . . I know personally sila, we grew up together, sila Gringo [Gregorio Honasan], etc., they were always in our house. But they also served as torturers they were Juan Ponce Enrile's boys. But they were very close to my father. So, what you have to do really is to ask yourself. I know that you said that you were not a participant. How do we know that your memories are true? Memories will not lie when anchored in actual experiences. This is my own experience growing old. My memories of the past get sharper. I can remember my youth in detail, but my memory of yesterday is blurred. It gets sharper and you tend to be more reflective. So what will you do? I think there is so much documentation already. If you read A Nation for Our Children by [Jose W.] Diokno (1987)—he was one lawyer, senator who really, in his speeches, did a lot of research. So, iyong Task Force Detainees [of the Philippines], they documented that. You go to Ibon Databank. And the School of Economics used to come up with white papers. Kasi hindi nga reliable ang news. Ang mas reliable pa nga iyong mga kind of investigative journalism that [went on] even in campus papers, like the [Philippine] Collegian, although I have not read much of the Collegian recently. For example, those lampoon issues, when you are able to laugh at what is happening, that is when you know you [have] power. Like for example, the People's Journal became the "People's Urinal." Iyong mga ganoon. "P.S. I Love You" became "P.S. I Rob You." Hindi ka puwedeng magbiro na walang katotohanan somewhere. And when you are able to laugh at it, that is when you are able to ridicule the powers that be.

You cannot call Marcos great. Was he a great president? No, he was not. Because when you look at the other countries na kasabay natin na mas angat tayo noon, kulelat na tayo ngayon. My own frustration [is], why in heaven's name did he not build a good airport during his time? Bakit tayo ang worst airport in the world? Despite the "edifice complex" of Imelda, our international airport is shocking. There are enough people [who remember]—and remember that there was a Never Again site—there still is. I do not know who visits it but there are a lot of recountings. Maganda nga sa South Africa ang nangyari sa Truth

Commission *na pinagharap iyong* torturer *at iyong* victim. But that in itself was so traumatic and eventually it was the lawyers talking in behalf of the victims, which defeated the purpose.

**ESTUDYANTE:** Magandang tanghali po. Estudyante po ako sa UP Asian Center. I will not argue doon sa mga sinabi ninyo. Sabi nga po sa history, there is no objectivity in history. I am reiterating it or paraphrasing your words, ma'am. At the same time, sinasabi din po kasi natin na the antidote [to] ignorance is not really less but really more. While I agree with some of the facts presented by Ms. Robles, I think the reason why people are having positive thoughts for the Marcoses is because [of the] alternative literature na lumalabas. When I was younger, puro anti-Marcos, and then suddenly during the '90s, when I was studying here in UP, parang ang dami. Why is it inconsistent? As a teacher—I was also a teacher in UP Manila-I will not take a stand because it will curtail the critical thinking of the student. Give them all the information, let them think for themselves, para at least alam nila ang ginagawa nila. Ako, ma'am, ang masasabi ko para sa aking sarili, why is it that people in this country-the younger generation-have positive thoughts? Siguro dahil wala pa tayong resolution about the Marcos era. We do not have this scholarly recognition na talagang nagde-debate. Kasi ako nakita ko noong panahon ni Cory Aquino ang eighteen to twenty-two hours of brownout. Nagutom kami, unlike noong panahon ni Marcos. I was really young then. Busog kami. May nakain kami (basahin ang appendix 5.15, 675-78). May trabaho ang nanay ko. May trabaho ang tatay ko. And suddenly, all of a sudden, this is what we are experiencing. So, ma'am, as a wrap-up, I think . . . one of the reasons kung bakit may positive perspective about the Marcoses ay may bagong information and we did not highlight it during our times. Nakikita namin and we believed. Images can be very strong. Ito siya. Bakit hindi ako maniniwala? Unless, sabi ninyo nga po may mga museum na. Since there is no objectivity in history, it is not "what happened" but "why it happened." All along, sabi nga nila, [martial law] had the blessing of Congress. In 1986, Marcos won that election. Sabi nila, pinaalis nila. EDSA was not a revolution but a mob rule. So . . . from UP, you have to . . . pagsasamahin niyo po and have this particular libro na this is what we think. This is our stand. Para at least, magkaroon kami ng definite perspective. Hindi iyong parang iba-iba po.

**ROBLES:** In other words, you want an extension of [Teodoro A. Agoncillo's] *History of the Filipino People*, which has not been updated

since 1990. I wished that UP scholars would spearhead this. We need an honest-to-goodness history book. We need two kinds of history books: one for teenagers and college graduates and another one for children. We need that badly, Dr. Rico Jose.

CIMATU: Ako naman, when we started with Roland [Tolentino] doon sa Mondo Marcos, it took us mga eight years to finally bring it out kasi noong una, puro anti iyong nakuha namin. Pati iyong mga bata. Sabi ko, talaga bang na-experience niyo ito? And then I had to wait and write to other people until I got—may pagka-pop culture ang lumabas at parents nila ay mga loyalists until I got a better societal na sweep. So, tama iyong sinabi noong nag-question kanina kasi ang balak namin ay we should talk about Marcos. Kasi it took us twenty years—it is a generation—and then wala ka man lang Marcos conference, hindi ba? Pero mayroong tungkol sa kamote. Bakit walang Marcos? Twenty years iyon. It is one generation na parang pinabayaan natin. Then, pati si GMA [Gloria Macapagal-Arroyo] ginagawa na niyang model. Wala na tayong masabi when we should be talking about it.

MACEDA: There have been conferences. Sinabi mo na tutol ka sa sinabi kong kailangan mag-make ng stand. All theorists make stands. But we also allow different perspectives. Hindi puwedeng sa isang klase pare-pareho kayo. Someone has to challenge. And it is very good when people feel free to challenge the teacher even . . . The sad thing about the postmartial law is it seems to be na ayaw ng mga dumanas ng martial law na kumprontahin siya agad. Even in history, kailangan mo ng a little distance. Ang problema talaga ay iyong politics of accommodation that came in. Maski na noong panahon [ng pagkamatay] ni Ninoy, noong "Justice for Ninoy, Justice for All," it was sometimes o sige, kapag mag-apologize iyong kabila, okay na. Hindi puwedeng okay. Kailangan may accounting pa rin sa lahat ng nangyari. Iyong accounting na iyon ang problemang dapat harapin ng bayan at ang accounting ay dapat transparent sa mga tao. Kunwari iyong PCGG, if we saw those huge bottles of perfume, alam kong may mga ladies na mga pumasok, kasi open na open iyon at mayroon silang sariling mga bote at kumuha doon. Who accounts for all of that? Kasi those are people's treasures also. I was one of those who audited in the Presidential Center for Strategic Study and ang daming mga documents doon na voluminous talaga. Kasi maraming task forces na na-create after that. So what to do with these things?

Ang problema, after martial law, wala ka ring mga tao na skilled enough to do the material auditing of many things and documenting properly kasi expertise iyan. Hindi puwedeng basta-basta. And ang surprising is that you come across names na alam mong nasa kaliwa and they were working for Marcos. And you do not want to divulge it. There is that moral dilemma that some of the investigators faced. But what is there should come out and what is there should be transparently shown to the people. And if there is something that would substantiate a myth, or if there were things na itinago ni Marcos para pumogi siya, kailangan lumabas iyon. Lumabas naman iyon. Iyon lang, tinabunan. Hindi ba? We have to keep digging. At ang mga problema ng mga scholars ay hindi natatapos. Ang problema natin ay paano natin ito ikukuwento sa mga future generations sa isang paraan na mauunawan at naisasakonteksto ang mga bagay-bagay.

ESTUDYANTE: Taga-Batac po ako. Lumaki po ako doon at nag-hayskul sa Mariano Marcos State University. So, napalaki po ako doon sa environment na parang pro-Marcos. Father ko po, I think Marcos baby siya, 1964 siya ipinanganak. Ngayon ang tanong ko po-every time na birthday ni Marcos, may something sa Batac, nagpupunta ang iba at ibang tao sa ibang bayan and then nagtitipon-tipon, nire-require sa mga students na pumunta doon at mag-participate at kantahan si Marcos ng "Happy Birthday," kulang na lang may, "May you live long," pero patay na siya. Hindi ba po? Kasi ang daming tao. At saka [galing] sa iba't ibang lugar po sila. At mapapansin ninyo po sa mga grupo ng tao na iyon, karamihan din ay matatanda. Kung na-experience po sana nila talaga kung gaano karahas iyong rule ni Marcos, paano po nila nate-take na ipagbunyi pa si Marcos? Na bumabiyahe pa sila ng ilang oras mula sa lugar nila para sa birthday [celebration] na iyon? Gumagastos sila para sa organisasyon nila, ng mga t-shirt nila, ng banner nila, ng mga magagarbong sasakyan, para makapunta doon. So iyon po, paano nila kayang gawin iyon when in fact, nandoon sila sa era na iyon na may nagawa talaga si Marcos? Secondly po, iniisip ko po, iyong father ko, sabi niya sa akin, "Ah, ganito iyan. Maganda rin naman noon. Hindi pa private iyong karamihan sa mga establishments." Hindi ko po alam kung totoo. Kasi po sa Ilocos, hindi ko po sure kung talagang kina-cut nila iyong part na iyon ng history. Pero hindi po talaga siya nai-introduce sa amin nang ganoon kalaki. Sabi naman ng papa ko, "Pero noong nag-apply na ako ng trabaho after ni Marcos, hindi na ako naka-apply, kasi taga-Norte ako." Nakaka-confuse po siya para sa isang batang lumaki doon, nagpunta dito sa forum na ito, hindi mo alam kung saan ka tatayo. Pero gusto mo ring isibin.

ano kaya iyong puwede kong pagaralan diyan? O ano ba iyong puwede kong i-derive na lesson from that thing? So, ayon po, nakaka-confuse.

MACEDA: Totoo naman na may Marcos loyalists, at marami sila. Sinabi nga ni Frank at lalo na sa Ilocos. You will find them sa Ilocos, Tacloban, Samar—that is the Imelda country—hanggang Cagayan. At gumanda ang Ilocos noong panahon ni Marcos. Ang Cebu na pinanggalingan ko, walang development at all dahil nag-resist sila. Maraming mga nabiyayaan sa panahon ni Marcos. Iyon ang problema kapag ang napapaboran ay mga grupo grupo lamang, or mga specific regions, at hindi napupunta sa lahat. At paano ikaw na lumalaki ngayon? Palagay ko, unawain mo [kung] ano ang mystique ni Marcos (basahin ang appendix 5.16, 679-84). Unawain mo siya at mag-reflect ka doon. Minsan rin, mayroon akong estudyante na ang bangalan talaga ay Marcos. Right after the EDSA revolution, we were asked to work in Channel 13-that whole TV station was full of loyalists-at naging kaibigan ko sila. Iyong production manager was a cousin of Marcos at sabi niya: "Alam mo ang problema sa inyong mga pumunta dito, sa inyong mga dilaw, bakit lagi kayong nag-aaway? Sa panahon namin, nagkakaisa kami para i-project ang iisa lamang." That is because may iba't ibang perspective na pumapasok at nagbabanggaan at hindi sanay ang mga tao doon. Hindi ba? That is one thing with democracy. Kailangang may espasyo sa iba't ibang paglalaban, pagtatagisan sa mga bagay-bagay. Kung nakakain kayo sa panahon ni Marcos, mas kaunti pa ang mga Pilipino noon. Ngayon, of course, we also have to criticize the current government. We were also critical of Cory. But one thing that Cory remained for us ewan ko kung bakit—squeaky clean siya until she died. Her image was that. Hindi mo naman mapipilit ang mga taong pumunta, hindi mo mapipigil ang mga taong bumisita kay Marcos para mag "happy birthday," kung nasa loob nila na may pagmamahal pa rin sila sa kanilang "Apo." Pero hindi mo rin mapipilit ang iba na tulad ko na ayaw siyang ipalibing sa Libingan ng mga Bayani, at kung mangyayari iyon ay huhukayin ko ang remains ng aking ama at ililipat ko ng [ibang] sementeryo.

ROBLES: You know, the fact that you told us [your reflections] that shows that there is an awakening in you. Just embrace that and find out more. I know that your mind and your heart will become very convoluted and very troubled because of that. But if there was one thing that Marcos really did, he only brought, as Dr. Maceda said, development to Ilocos, and also Leyte because of Imelda. But what we need is development for the entire country. I also would like to say something about what the previous commenter said, *kasi* there is

always this argument on the internet: mas maganda ang buhay noong panahon ni Marcos. Ngayon kulang iyong kuryente, mataas ang mga bilihin, walang trabaho. Those arguments are, in their face, valid. That life seemed to be better during the dictatorship for as long as you are not picked up and tortured. But, you see, we have to keep this in mind: 1986 was an unfinished revolution. If you want to have an idea of what our country looked like then, in the early years after martial law, think of what is happening in Egypt, in Tahrir Square. The Egyptians were so happy to topple their dictator and then suddenly now they have bloodshed. That was what happened to us during the coup d'etat. So we can either take the short view that the 1986 EDSA failed or we could take the long view that we do not know yet where it is going. We do not know yet its conclusion. And in fact, I do believe that Facebook and [the] internet, that is where the revolution is now occurring. And it is up to us to decide where our country is going. You know, corruption has been the problem of our country since before the republic was born and it is only now that we are making our government officials accountable. You have heard about [what] Manuel Quezon have said: "I prefer a government run like hell by Filipinos to a government run like heaven by Americans." But you know, Manuel Quezon was one of the most corrupt presidents we ever had. He had a mistress and he built a bridge so that he could go from Malacañang to visit his mistress across the bridge. If that happened today, what do you think the scandal would be? I confirmed that fact from [Manuel] "Manolo" Quezon [III]. I asked him a lot about his grandfather, Manuel Quezon. So, you see, there has been some progress, but we need more progress.

**ESTUDYANTE:** Brief background *lang po*: my mother is an Ilocano but she was also raised here. So, she raised me up with the idea of having a neutral view about Marcos—that he was good, but he was also bad. And I guess that was an anchor for me . . . And I know this is a forum about Marcos but I just wanted to hear your opinion. With martial law and what Marcos did, we, like Sir Mallari said, tend [to] demonize his government. But my opinion is that maybe we demonize so much the government of Marcos that we tend to lift up the other governments. Now, in your opinion, is that the same thing that is happening right now? That we raise up the other governments, the government of Cory

Aquino and the succeeding presidents? Is it because we lift them up that we are able to maintain the infamy of the Marcos government?

MACEDA: Nasabi ko na na hindi natin dine-demonize si Marcos kung hindi we let the documents speak for themselves. I think as citizens of this country, kailangan maging kritikal tayo sa bawat gobyerno, at kailangan aktibo tayo doon. Ang pinakamahirap sa isang rebolusyon ay ang after the revolution, ang rebuilding. Mas mahirap iyon kaysa sa actual na rebolusyon. At palaging ang failure natin ay iyong ating politics of accommodation at collaborationist tendencies—balimbing, et. At napakagaling ng Pilipinong bumalimbing talaga. Our senses have to be sharp. It was a very difficult position for all of us dahil sa ating isib, martial law, tapos biglang kasama natin ang militar sa pagpatalsik sa gobyernong Marcos. They did not undergo debriefing or therapy afterwards. A lot of people should have done that. The military should have done that. And now, [if] you read the Alston Report (2008), akala mo nagbabasa ka ng documents ng martial law kasi iyong mga extrajudicial killings. In other words, maaring nagbago overnight ang gobyerno pero naroon pa rin ang kultura. Ang mga labi ng kulturang iyan ang mahirap tanggalin. At kailangan–hamon sa ating mga estudyante, teachers, at writers, etc.—ang [pagtutulong-tulong] para matanggal iyong mga hindi kanais-nais sa ating bansa at magkaroon tayo ng political will na tawaging maitim kung maitim at maputi kung maputi. Pero, sa totoong buhay, mas marami ang gray. Ang hirap, but you have to be transparent in all of these.

CIMATU: Ako naman, my mother is from Batac. So, sa bahay namin doon, ang daming libro ni Hartzell Spence (1964), iyong propagandist niya (basahin ang appendix 5.17, 685-88). Libre lahat iyon, binibigay ni Marcos sa bawat bahay sa Batac. So, wala akong question doon. Kapag nagde-debate kami ng pinsan ko, hindi ko na sinasagot kasi talo ako. Ang pagasa ko lang ay mga batang kagaya mo [who] can think on their own. Nandito sina Chi at Diane, mga anak rin iyan ng mga Ilokano. Mga loyalists rin ang parents but they were able to think on their own. Iyong mga loyalists kasi ine-exploit rin ni Marcos iyan. Kaya nga sinasabi ni Belinda Aquino doon sa shared Ilocano experience sa Hawaii, Marcos was able to treat Hawaii as an Ilocano province. Kaya kahit papaano, noong na-exile siya doon, parang Ilocos lang. Ang hindi ko lang maintindihan ngayon sa Batac, iyong mga Ilocano na loyalists kagaya ng parents ko, they always blame Imelda for the fall of Marcos. Pero bakit siya naging congresswoman naman? Doon ako nababagabag na parang nag-iiba na

naman ang mga utak ng mga loyalista. At ngayon nagfe-Facebook na sila. They are getting dangerous. Alam mo naman ang mga Ilocano, nomadic iyan.

**ROBLES:** The word "demonize," is always used by Marcos lovers, especially on Facebook. So perhaps, what is happening is [that] those who want to argue with them fall into the trap of getting into their world. So, maybe, *iyong mga* trolls, including the Marcos trolls, you just have to treat them differently. And the Marcos loyalists, they really love Marcos with a visceral sense of love and so some of them you cannot change. There are a lot of Filipinos of the new generation, they are the ones who are confused about all this. That is why it is very important to have an honest-to-goodness history book that will explain this.

**CAMAGAY:** Challenge talaga sa mga historians na magsulat ng isang bagong kasaysayan.

ROBLES: If you care to read [my blog], I was able to extensively interview Dr. Ricardo Jose on the Marcos medals and I placed it on my site, raissarobles.com. You know, Dr. Rico Jose . . . has done extensive interviews—first-person interviews of major participants in the Second World War—so he was able to tell me a lot about the Marcos medals. I have also put there my own interviews on the Marcos wealth. Just use the search box and all the articles on the Marcoses will come out. I try to keep an open mind, you know. I have asked repeatedly for a person-to-person interview with Imelda Marcos but she has never granted me an interview. I have only been able to do ambush interview.

**CAMAGAY:** I think, I remember the last forum discussion where we had [Butch Hernandez]. *Mayroon siyang binitawang salita* [*ukol sa*] generation *na ito*. Do not spoon-feed. Do not give them the information because they [can] find the information themselves. So, I think that is the challenge for teachers, for us history teachers, that it is time to really give them [access to] the primary sources . . . So, if you have the interviews, those are primary sources. If you can show them the torture documents recently released, I think those are the primary sources that I think we teachers could give to students and let the students come to their own conclusions about it . . . I think that would be the best way of introducing the martial law period and what Marcos was like to our students.

So on that note, I would like to thank our speakers, Dr. Tet Maceda, Mr. Frank Cimatu, and Ms. Raissa Robles for this very interesting and informative session. It is the last [forum of the series], but I hope the Third World Studies Center will continue a series like this. It is about time. I also [understand] what Raissa [said]. There is a lack [of people talking about the Marcos legacy], because it is still too fresh. People are still afraid. But I think as she has challenged us, would we have been able to have a kind of session like this during the martial law period? Definitely, no. We would all be in Camps A, B, C—Aguinaldo, Bonifacio, and Crame—by that time. So, on that note, thank you.

## Mga Sanggunian

- Alston, Philip. 2008. "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Mission to the Philippines." Human Rights Council, General Assembly, United Nations. A/HRC/8/3/Add.2. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/130/01/PDF/G0813001.pdf?OpenElement.
- Aquino, Belinda. 2000. "The Politics of Ethnicity among Ilokanos in Hawaii." In Old Ties and New Solidarities: Studies on Philippine Communities, edited by Charles J-H. Macdonald and Guillermo M. Pesigan, 100–16. Quezon City: Ateneo de Manila University Press.
- Association of General and Flag Officers. 1983. General and Flag Officers of the Philippines (1896–1983). Quezon City: Bustamante Press.
- Baluyut, Pearlie Rose S. 2012. Institutions and Icons of Patronage: Arts and Culture in the Philippines during the Marcos Years, 1965–1986. Manila: University of Santo Tomas Publishing House.
- Bernal, Ishmael, dir. 1982. *Himala*. Manila: Experimental Cinema of the Philippines. Film, 124 min.
- Chai, Arlene J. 2008. Eating Fire and Drinking Water: A Novel. New York: Ballantine Books.
- Cimatu, Frank, and Rolando B. Tolentino, eds. 2010a. Mondo Marcos: Mga Panulat sa Batas Militar at ng Marcos Babies. Manila: Anvil Publishing, Inc.
- ——, eds. 2010b. Mondo Marcos: Writings on Martial Law and the Marcos Babies. Manila: Anvil Publishing, Inc.
- de Leon, Mike, dir. 1982. Batch '81. Manila: MVP Pictures. Film, 100 min.
- Diokno, Jose W. 1987. A Nation for Our Children: Human Rights, Nationalism, Sovereignty; Selected Writings of Jose W. Diokno. Quezon City: Jose W. Diokno Foundation, Claretian Publications.
- Ileto, Reynaldo C. 1997. Pasyon and Revolution: Popular Movements in the Philippines, 1840–1910. Quezon City: Ateneo de Manila University Press.
- Joaquin, Nick. 1986. The Quartet of the Tiger Moon: Scenes fom the People-Power Apocalypse. Manila: Book Stop.
- McCoy, Alfred W. 1999. Closer than Brothers: Manhood at the Philippine Military Academy. New Haven, Connecticut: Yale University Press.

- Mercado, Monina Allarey, ed. 1986. People Power: The Philippine Revolution of 1986; An Eyewitness History. Manila: The James B. Reuter, S.J. Foundation.
- Pastores, Elizabeth A. 1977. "Religious Leadership in the Lapiang Malaya: A Historical Note." In Filipino Religious Psychology, edited by Leonardo N. Mercado, 149–65. Tacloban: Divine Word University.
- Shalom, Stephen Rosskamm. 1986. The United States and the Philippines: A Study of Neocolonialism. Quezon City: New Day Publishers.
- Spence, Hartzell. 1964. For Every Tear a Victory: The Story of Ferdinand E. Marcos. New York: McGraw-Hill.
- Sturtevant, David R. 1969. Agrarian Unrest in the Philippines. [Athens, Ohio]: Center for International Studies, Ohio University.
- Torres, Mar S., Jose de Villa, and Conrado Conde, dirs. 1965. *Iginuhit ng Tadhana: The Ferdinand Marcos Story.* Manila: 777 Film Productions. Film, 136 mins.
- Totanes, Vernon R. 2010. "History of the Filipino People and Martial Law: A Forgotten Chapter in the History of a History Book, 1960–2010." Philippine Studies 58 (3): 313–48.



## FORUM 5

## Rapporteur's Report

The fifth and final forum in the series entitled "My Husband's Lovers: Ang Pag-ibig at Pagkamuhi Kina FM at Meldy Magmula sa mga Martial Law Babies Hanggang sa Kasalukuyang Henerasyon (My Husband's Lovers: The Love and Contempt for FM and Meldy from the Martial Law Babies until the Present Generation)" was held on 4 February 2014 at the Pulungang Claro M. Recto, Bulwagang Rizal, College of Arts and Letters, University of the Philippines (UP) Diliman. The forum aimed to uncover the dynamics that surround the ever-changing public image of the Marcoses and their impact on Filipinos from different generations.

The panel for this forum was composed of Teresita G. Maceda, professor at the Department of Filipino and Philippine Literature, UP Diliman; Frank Cimatu, editor of *Mondo Marcos* and correspondent for the *Philippine Daily Inquirer*; and Raissa Robles, correspondent for the *South China Morning Post* and publisher of raissarobles.com.

#### MYTHMAKING AND THE MARCOSES

Maceda shared her personal experiences during martial law, including the injustice suffered by the sibling of a friend and co-faculty member at UP Baguio who was tortured simply for being related to a suspected member of the underground movement working to overthrow the dictatorship. Despite being described by others as apolitical, her friend was arrested without a warrant. This story of injustice during the authoritarian regime of Ferdinand Marcos, sadly, was not one of a kind. Even before the declaration of martial law, members of the military were already rounding up suspected activists. Others were able to escape, including the sibling of Maceda's friend, but thousands were not. Almost no one was spared: one may not have experienced it

herself/himself, but may know someone who did—a family member, a friend, or a colleague. These were the realities of martial law which, according to Maceda, "despite efforts to erase from memory are carved in the collective memory of the people."

Ferdinand and Imelda Marcos, however, created other realities for the Filipino masses and utilized the mass media to construct a myth that would validate Marcos's rule. The semibiographical film *Iginuhit* ng *Tadhana* was among the most potent of the Marcos family propaganda as it set the stage not only for Ferdinand Marcos's presidency in 1965 but for his almost fourteen-year dictatorship by claiming that it was his destiny to rule the country. *Iginuhit* ng *Tadhana* had all the ingredients to make a truly captivating myth: a bitter struggle at the beginning (being charged for the murder of his father's political rival), success after adversity (topping the bar exams and getting himself acquitted of murder), courage in times of war (Marcos's alleged war exploits), and most importantly for the Filipino audience, victory in love (winning the heart of Imelda).

Despite the controversies surrounding the film, Marcos won the hearts and minds of many Filipinos. At a time before turncoatism was fashionable, it was a mortal sin to shift from one political party to another. But Marcos did—from the Liberal Party to the Nacionalista Party—and he was able to successfully launch a run for the presidency against incumbent Diosdado Macapagal, his former partymate. In Maceda's words, "the Filipinos put their hopes for a better future in the hands of a sorcerer."

According to Maceda, it was during his second term in office (beginning 1969) that Ferdinand Marcos revealed his true intentions. The streets, by this time, were beginning to be filled with protesters from the different sectors of society and Marcos was already preparing for his authoritarian rule. He had started to ensure the loyalty of the military to him and had soldiers trained in torture and psychological warfare. At the same time, Marcos had started building his "brain bank" of technocrats. Marcos had been creating, according to senator Jose Diokno quoted by Maceda, a "Throne of Bayonets."

Meanwhile, the First Lady Imelda Marcos had been working nonstop in organizing her own loyal coterie, collecting art works, and most important of all, building state-of-the-art infrastructures. She personally handpicked architects, engineers, and interior designers, for her prestige buildings (e.g., the Folk Arts Theater and the Manila Film Center). Imelda's "edifice complex" sank the nation deep in debt.

Moreover, for the sake of "the true, the good, and the beautiful," informal settlers were forcibly relocated. Imelda also spent people's money on herself. Seeing herself as the epitome of beauty, she declared, "Filipinos want beauty. I have to look beautiful so that the poor Filipinos will have a star to look at from their slums."

All of these were part of the validation of the authoritarian regime and the facade to hide the atrocities being committed by the Marcoses from the Filipino masses. And to help them in their efforts to introduce the concept of Bagong Lipunan (New Society), the Marcoses (re)created and promoted an originary myth—that of "Malakas and Maganda," the strong and the beautiful. This myth, implies that the "new society" for the Filipino people begins with Ferdinand and Imelda.

Maceda believed that the myths created by the Marcoses were responsible for making the masses accept and tolerate the Marcos dictatorship. She also believed, however, that Ferdinand and Imelda did not create these myths alone. "Only the people can be the source of myths," she said, citing as another example the case of Benigno "Ninoy" Aquino Jr., whose myth of martyrdom sprouted after his assassination. His wife, Corazon "Cory" Aquino, who was then a full-time stay-at-home mother to their four children, later became the protagonist in her own myth—light defeating darkness (Marcos), defeating the dictator to become the first woman president of the Philippines. Maceda hoped that the time will soon come that the Filipino people will see the truth behind the Marcos myths.

Maceda lamented how, unlike other nations which suffered from brutal dictatorships, the Filipino people seem to "prefer to just fold our memories away." She believes that while we do not easily forget, our leaders have chosen to do so, giving way to politics of accommodation and patronage, resulting in the many issues and problems of the past remaining unresolved up to this day. Unlike other countries with similar experiences, the Philippine government did not create truth commissions so that the victims of martial law could face their torturers; no markers were built in places where the atrocities had been committed; no murals crafted to give life to the slogan "never again." As a result, not only do the myths perpetuated by the Marcoses remain potent, but so do their other legacies: turncoatism, corruption, cronyism, poverty, and extrajudicial killings, among many others.

Maceda emphasized the need to remember and commemorate, to "awaken the thoughts of the people that were dulled during the long years of martial law," and to think critically. Only through these can another dictatorial regime be prevented. She then concluded by singing a satirical song by Los Enemigos, which derides a number of Marcos cronies and technocrats, stating that there is still hope if the audience members can recognize the names of the ridiculed.

Cimatu provided an overview of the Marcos cults and loyalists after martial law. Being a "Marcos baby" (born between 1965–1985)—as well as being born to a Marcos loyalist family, Cimatu generally had a good impression of Marcos and martial law while he was growing up. He did not personally experience the atrocities of the dictatorship although one of his siblings was an activist and it was only later, as a correspondent for a daily paper, that he learned about the dark side of the Marcos regime.

His first encounter with the Marcos cults came while he was on assignment for the *Philippine Daily Inquirer* after the EDSA Revolution. He covered the arrival of the remains of former dictator Ferdinand Marcos in his hometown in Ilocos Norte. Among the first cults he encountered was Espiritu Santo, which splintered from the Philippine Independent (Aglipayan) Church and was headed by Bernabe Abella. Another was the Pangasinan-based Gold Eagle, whose members believe that Marcos will return to this world in the form of a golden eagle. Another was Alpha Omega Sagrada Familia Hesukristo Espirito Santo, Samahan ng Anak ng Diyos, a cult based in Blumentritt, Manila and had around 300 members. As reflected in the inscription "This is the Dawn" in the former dictator's statue in Batac, the cult's members believe that Marcos was the "bringer of light."

Cimatu then talked about other loyalist groups. One active group is the FIRM-24K (Friends of Imelda Romualdez Marcos), a political organization with tens of thousands of members. The Commission on Elections approved its application as a partylist and was able to garner tens of thousands of votes during the 2010 elections. While denying any connection to it, Imelda was photographed leading an induction of FIRM-24K's newly-elected officers.

Marcos loyalists are also utilizing technology and have been active in promoting the Marcoses in social media platforms such as Facebook. Cimatu pointed out that while the loyalists and cult members have traditionally been senior citizens, those active in Facebook mostly belong to younger generations. Nevertheless, these Marcos loyalists continue to idealize and project a positive image of the Marcoses in Facebook where they can reach a large number of people. Some have been projecting Ferdinand "Bongbong" Marcos Jr. as a viable candidate in the next presidential elections.

In closing, Cimatu cited an essay written by Belinda Aquino of the University of Hawaii, which was on a study she conducted on Marcos loyalists in Hawaii. Most Filipinos in Hawaii have Ilocano roots and this shared ethnicity was exploited by the Marcoses during their exile there. According to her study, of the 150,000 Filipinos in Hawaii, only one percent are outspoken Marcos loyalists. Majority of them belong to the younger generation, come from a middle class background, and are educated. Even though they knew about Marcos's post-EDSA reputation, they chose to either continue supporting the Marcoses or remain neutral. Some chose to stay silent, which especially bothered Cimatu. He believed that silence will enable the Marcoses to return to power and reverse the gains achieved under democracy.

In her presentation, Robles had two objectives: (1) to deconstruct how Ferdinand Marcos could be considered a hero by a number of Filipinos twenty five years after his death and twenty eight years after the declaration of martial law; and (2) to deconstruct how his widow Imelda and their three children are now back in the highest rungs of society.

According to Robles, Ferdinand is considered a hero and the three other Marcoses are in positions of power, first and foremost, because "the generation that overthrew the Marcos conjugal dictatorship thought that the regime was so brutal and so greedy in its accumulation of wealth and power that people did not need further reminding of it." The people who lived through martial law failed to document their experiences for the future generations and popular history textbooks have not been updated to include the martial law era. She believes that "part of the reason is that many intellectuals who could have written about that era were co-opted by the dictatorship to become propagandists or to turn out think tank reports. They are, therefore, ashamed to reveal what they did during martial law." Without the extensive details of the horrors of the martial law period, the Marcos family was able to create new myths for a new generation Filipino voters: "(1) martial law was a 'benevolent dictatorship'; (2) there were no human rights violations and abuses during the period . . . (3) the economy boomed under Marcos; and (4) Marcos was the greatest president since he built the most number of infrastructures."

Robles then proceeded to "deconstruct" each of the myths, beginning with the idea of a "benevolent dictatorship" or "smiling martial law." According to her, in stark contrast to what the Marcoses are now selling to the younger generation, fear was what prevailed throughout the country during the martial law period. Marcos had total control of the country and "the military and the police could also pick up anybody at will on the streets or right in their homes and one had to be very careful about making jokes about the Marcoses and the 'New Society' in public." The Filipinos, however, only realized this after the Marcoses left the country. Based on reports by human rights organizations, there were at least 10,000 human rights victims who were killed or tortured.

According to Robles, a little-emphasized legacy of the Marcos authoritarian regime was the continuing war in Mindanao. In Mindanao, 60,000–80,000 civilians and rebels died between 1972 and 1976, while over one million people were displaced, due to the wars against the Moro National Liberation Front. This all-out war in Mindanao contributed greatly to the misunderstandings involving Muslims and the lack of progress in the peace process in southern Philippines.

Robles then examined the economic legacies of the Marcos regime. When Marcos became president in 1965, the Philippine foreign debt was less than USD 1 billion. In 1986, this became USD 27 billion. The Marcos dictatorship also caused the value of the peso to "nosedive" from PHP 3.90 per USD in 1965, to a low of PHP 20 per USD in 1986.

The second reason that may explain the positive perception of the Marcoses was their exploitation of certain cultural norms and Filipino values that "help them propagate their own version of reality." The first norm she identified was "respect your elders." Robles explained that "Ferdinand Marcos exploited this by calling himself 'apo,' which in Ilocano means 'elder person in authority." She also pointed out that advanced age is the reason Imelda Marcos is still respected. Another norm was "do not speak ill of the dead." This, Robles claimed, goes against the very writing of history. The third cultural norm was "forgive your enemies." According to Robles, "a person who does not forgive his enemies is often labeled vindictive," therefore, "the public should stop demonizing Marcos in the spirit of reconciliation." The fourth cultural norm was "do not bring the sins of the father on his children." This is despite the son having "long been in cahoots with his father and mother" or him now being "the legal executor of his father's estate" and

"one of the named beneficiaries of the USD 356 million Swiss bank accounts."

The Marcos children, according to Robles, are attempting to reinstate their father politically using taxpayers's money. Many key activities of governor Maria Imelda Josefa "Imee" Marcos for Ilocos Norte were in honor of her late father such as the "'President Marcos Cup' for practical shooting, a rock concert called 'DaReal Makoy Concert 2,' the 'Marcos Fiesta 2013 Flash Mob Full,' which details the life of Marcos in a dance, and 'The First Ferdinand Marcos Sirib Intercollegiate Debates 2013." His birthday was also declared as "Marcos Day" in Ilocos Norte. "All these are intended to project the Marcos version of history," Robles said. Robles also highlighted the effective use of the Marcoses of social media platforms.

Robles cited that in 1998, Mahar Mangahas of Social Weather Stations wrote about "a remarkable softening of public opinion towards Ferdinand Marcos." Mangahas opined that this was partly due to changing demographics and Marcos's passing in 1989. Robles continued quoting Mangahas in adding that the survey results were "not about the character of Marcos but about the character of the Filipino people. Not many of us would care to hold a grudge against someone long dead, not even someone like Ferdinand Marcos." This trend continued and by 2011, Ferdinand Marcos was named in the "top three most identified Filipino heroes" by 5.1 percent of respondents.

A third reason is that the government is not condemning the Marcoses but attempting to forge a compromise settlement with them. This promotes a sense of injustice according to Robles, as stated by associate justice Artemio Panganiban: "The waiver of all claims against the Marcoses would be a virtual warrant for all public officials to amass public funds illegally, since there is an option to compromise their liabilities in exchange for only a portion of their ill-gotten wealth."

In resolving the issue of mythmaking by the Marcoses, Robles recommended actions that must be taken. Documentation of torture, including from the side of the Marcoses, is needed. She encourages "a historiography of martial law," for it to be written in black and white, and for credible references to be easily accessible. In addition, she believed that the "delusions [and] attempts to erase history" of online Marcos loyalists have to be vigorously engaged.

## **OPEN FORUM**

The forum opened with a question by Aaron Mallari of the UP Department of History. He asked the panel about striking a balance between teaching students about the martial law period without falling into the trap of demonizing Marcos and his government. Maceda, a professor herself, advised that as a teacher, one must take a stand. She recommends showing students documents and narratives, and letting them speak for themselves. Robles recommended challenging the students' views by making them participate in pro- or anti-Marcos debates where they take the side contradictory to their beliefs.

Next, a UP student asked the panel how we know if the anti-Marcos propaganda, e.g., allegation of atrocities, were not manufactured by his enemies. Robles responded that there are voluminous documents of crimes committed during martial law but these documents are sealed. Only recently have they come to the surface. On the question of whether Marcos was the greatest president, she commented that we have to look at the entire picture. The good things that he did were overrun by the monumental bad things. Maceda added that she came from a military family and she had firsthand knowledge of military men who served as torturers. The collective memory of people about the martial law period are not lies because they are anchored on actual experiences.

A student from the UP Asian Center made a comment on the changing views about the Marcos era. In his view the emergence of a more positive perspective on martial law is because there is new information that was not highlighted previously. Instead of having varying perspectives, he is looking for one definite perspective. Robles reiterated the necessity of writing new history books. Cimatu agreed with the student's observation by sharing that it took him almost a decade before he was able to get both the positive and negative sides of martial law. Maceda added that "all theorists make stands" but "also allow for different perspectives." The problem for scholars is that it is a never-ending debate while the problem for the people is how to tell this story to future generations in a way that they will understand its context.

Another student asked what lessons can be learned from martial law. She highlighted her background as a native of Batac, Ilocos Norte. Growing up in "Marcos country" and being surrounded by Marcos loyalists shaped her understanding of martial law. Maceda sympathized with the student's position, but also pointed out that only select

provinces such as Ilocos, Leyte, and Samar flourished under Marcos. Maceda encouraged the student to reflect on the "mystique of Marcos." Robles told the student that her questioning stance means that there was "an awakening" in her that she should embrace. Another student, whose mother was Ilocano, wondered if Marcos was being excessively demonized to elevate other administrations. Among the panelists' responses, Maceda stated that we have to be critical of all administrations. —IOSHUA B. BAQUIRAN

Maria Luisa T. Camagay, professor, Department of History, College of Social Sciences and Philosophy, UP Diliman served as the forum's moderator.

## **APPENDICES**

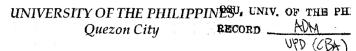
## APPENDIX 1.1

Excerpt from the Minutes of the 1287th Meeting of the Board of Regents on the Renaming of the UP College of Business Administration into the Cesar E.A. Virata School of Business, 12 April 2013

The justifying paragraphs in the following are identical to those in Chancellor Saloma's letter. One wonders, if it was Saloma's letter that the BOR focused on, how the board tackled the chancellor's suggestions. The then College of Business Administration followed the BOR's condition—the full name of the institution is now the University of the Philippines Cesar E.A. Virata School of Business—though the preferred acronym of the school is simply VSB.

Source

Office of the Secretary of the University, 27 June 2013.



Excerpt from the Minutes of the 1287<sup>th</sup> Meeting of the Board of Regents held on 12 April 2013 at the Board of Regents Room, Administration Building, UP Diliman, Quezon City

OFFICIAL RELEASE & B.

## OTHER MATTERS

Renaming of the UP College of Business Administration (CBA) into the Cesar E.A. Virata School of Business

Mr. Cesar E.A. Virata obtained his BS Mechanical Engineering and BS Business Administration (*cum laude*) degrees from the University of the Philippines in 1952 and his MBA (Industrial Management) from the University of Pennsylvania Wharton Graduate School in 1953. He was also conferred the Doctor of Laws degree (*honoris causa*) by UP in March 1976.

Mr. Virata has served UP, the Philippine government and the country for many years and with clear distinction. He started his professorial career as a CBA instructor and served as CBA Dean in 1960 and 1964 (two terms) during the terms of UP President Vicente G. Sinco and Carlos P. Romulo, respectively. He also held other key government positions including as the country's Prime Minister (1981-1986) during the term of Philippine President Ferdinand Marcos, as Batasan Pambansa Member (1978-1986), as Secretary/Minister of Finance (1970-1986) and Governor for the Philippines in the World Bank and Asian Development Bank (1970-1986).

The President endorsed the proposal.

Board action: APPROVAL provided that "U.P. or University of the Philippines" be included in the name.

CERTIFIED CORRECT:

Secretary of the University and of the Board of Regents

12 April 2013

cc: The Vice President for Legal Affairs
The Chancellor, UP Diliman
The Dean, Cesar E.A. Virata School of Business,

Dean, Cesar E.A. Virata School of Business, UP Diliman

fore 4/17/13 fore 4/17/13

Note: The Chancellor will please see to it that copies of this excerpt are furnished to all units/persons concerned.



#### APPENDIX 1.2

LETTER FROM THE OFFICE OF THE DEAN, UNIVERSITY OF THE PHILIPPINES DILIMAN COLLEGE OF BUSINESS ADMINISTRATION TO THE UNIVERSITY OF THE PHILIPPINES BOARD OF REGENTS ON THE RENAMING OF THE UP COLLEGE OF BUSINESS ADMINISTRATION TO THE CESAR E.A. VIRATA SCHOOL OF BUSINESS, 15 MARCH 2013

Neither Dean Ben Paul Gutierrez's letter nor the attachments thereof indicate that the renaming of the College of Business Administration to the Cesar E.A. Virata School of Business would be the condition to a donation in favor of the university, which would have made the renaming legally tenable under Republic Act No. 1059. In the 1288th Meeting of the UP Board of Regents, held on 20 June 2013, the board confirmed "the Commitment [sic] of Regent Magdaleno B. Albarracin Jr. to Donate [sic] P40 Million as a condition to the renaming . . . after the finality of the Board's approval on the said renaming." Albarracin's name can be seen in Annex B of Gutierrez's letter, listed under "Former Deans of UPCBA (282)." He is identified, besides as UP BOR member, as "Vice-Chairman, Phinma" (OSU 2013).

#### Reference

OSU (Office of the Secretary of the University). 2013. "The University of the Philippines Gazette." 1289th Meeting, 29 July 2013. http://osu.up.edu.ph/wp-content/uploads/2014/02/1289-GAZETTE.pdf.

#### Source

Office of the Secretary of the University, 27 June 2013.



# UNIVERSITY OF THE PHILIPPINES COLLEGE OF BUSINESS ADMINISTRATION

Diliman, Quezon City

OFFICE OF THE DEAN
Telefax 929-7991

BPBG-REF-2013-030

15 March 2013

The Honorable Board of Regents University of the Philippines

Through: Channels

Subject: Renaming of the U.P. College of Business Administration to the Cesar E.A. Virata School of Business

Dear Honorable Regents:

We respectfully request your approval to rename the University of the Philippines College of Business Administration to the Cesar E.A. Virata School of Business. During its meeting held on 2 July 2012, the faculty of the College of Business Administration unanimously approved to honor its former Dean by renaming the College after him (Annex A). Annex B shows the list of stakeholders who have endorsed the proposal comprised of the alumni, administrative staff and REPS, students and other sectors.

Cesar E.A. Virata is a distinguished graduate, professor and dean of the College, and an honorable public servant who has served as Secretary of Finance and Prime Minister of the Philippines. Dean Virata is looked upon as an influential man in the business community in the Philippines and in the region. His name is more than worthy to be attached to the School of Business of the country's only national university. Dean Virata laid the essential foundations for the development of a strong College of Business Administration which continues to this day and which should continue into the years ahead.

Cesar E.A. Virata was the fifth Dean of the College of Business Administration from 1960 to 1967. He graduated from the University of the Philippines with both the Bachelor of Science in Business Administration (cum laude) and Bachelor of Science in Mechanical Engineering degrees in 1952. He completed his Master of Business Administration major in

Industrial Management from the Wharton Graduate School of the University of Pennsylvania in 1953. He received the Doctor of Laws degree (honoris causa) from the University of the Philippines in March 1976. He is included in the list of 125 illustrious Wharton alumni during the 125th anniversary of the Wharton School of Finance in 2007 (Annex C).

The naming of a business school after a distinguished person is widespread in American and European universities, e.g., George Baker Graduate School of Business of Harvard, the Haas School of Business of the University of California in Berkeley, the Booth School of Business of the University of Chicago, the Wharton School of Finance, and the Sloan School of Management at Massachusetts Institute of Technology (MIT). An Internet survey we conducted revealed that a majority (or 55%) of U.S. and European business schools or colleges are named.

We wish to announce the renaming of the College of Business Administration into the Cesar E.A. Virata School of Business during the College Recognition Ceremonies on 28 April 2013.

We hope for your kind approval

Sincerely yours,

BEN PAUL B GUTIERREZ

Dean

## ANNEX B

## CESAR E. A. VIRATA SCHOOL OF BUSINESS

### List of Alumni Consulted

	NAME	POSITION
1.	Dr. Emerlinda R. Roman	Former U.P. President and Professor 12, UPCBA
2.	Former Deans of UPCBA	
i :	Dr. Jaime C. Laya Dr. Emmanuel T. Velasco Dr. Magdaleno B. Albarracin. Jr. Prof. Rafael A. Rodriguez Dr. Erlinda S. Echanis Dr. Elvira A. Zamora	Chairman, Philtrust Bank Dean, College of Business Administration, Mapua University Vice-Chairman, Phinma, Member, U.P. Board of Regents Professor Emeritus Professor Emeritus Professor, UPCBA & Vice-President for Development, UPS
3.	Dr. Sergio S. Cao	Former Chancellor, UP Diliman
4.	Mr. Roberto Alingog	President UPCBA Alumni Association
5	UPCBA Distinguished Alumni Awarde	es
İ	Gen Narciso L. Abaya Mr. Eduardo R. Alvarez Ms. Estelita C. Aguirre Ms. Ma. Victoria E. Añonuevo	Former Chief-of-Staff, Armed Forces of the Philippines Director, Orix Metro Leasing and Finance Corporation Former BIR Deputy Commissioner Managing Director & Chief Executive Officer,
	Gov. Junie Cua Gen. Jaime S. De los Santos	Millenium Challenge Account-Philippines Quirino Province Former UPAA President & Former Member, U.P. Board of Regents
!	Ms. Evangeline C. Escobillo Mr. Nestor A. Espenilla, Jr. Ms. Carmencita N. Esteban Ms. Corazon R. Estrella Mr. Dakila B. Fonacier	Former Insurance Commissioner Deputy Governor. Bangko Sentral ng Pilipinas Chairman & CEO, PSRC President, Alcion Resources, Inc.
	Mr. Eduardo V. Francisco Mr. Dominador V. Gregorio, Jr. Mr. Dominador T. Gregorio III Ms. Milagros V. Gregorio	Former BIR Commissioner President, BDO Capital Former SGV Partner Senior Managing Director, FTI Consulting Project Management & Transition Strategy Advisor, Government Financial Management and Revenue
	Mr. Henry Joseph M. Herrera Mr. Kasigod Jamias Mr. Johnlu G. Koa Dr. Conchita L. Manabat Mr. Renato H. Peronilla	Administration Project, Ministry of Finance, Republic of Indonesia Chair, Prulife U.K. President, Zuellig Corporation General Manager, The French Baker, Inc. President. Development Center for Finance President & Chairman Rating Committee, Philippine Rating
	Mr. Vicente Quimbo Ms. Carmelita G. Salgado	Services Corporation Founder & President, Bel Mondo Italia Corporation Former Comptroller & Vice-President for Finance Chemohil

	NAME	POSITION	
	Mr. Melito S. Salazar, Jr. Dr. Billy Soo	President, Manila Bulletin Associate Professor and Chairperson, Accounting Department, Boston College, U. S. A.	
	Ms. Gracia M. Pulido-Tan Mr. Joel L. Tan-Torres Mr. Rauf A. Tan Mr. Simplicio P. Umali, Jr. Dr. Victoria B. Jardiclin-Villa	Chair, Commission on Audit Partner, Reyes Tacandong & Co Consultant, Energy Regulatory Commission President & General Manager, Gardenia Bakeries Phils., Inc. Chairman, Natasha	



#### UNIVERSITY OF THE PHILIPPINES

### COLLEGE OF BUSINESS ADMINISTRATION

Diliman, Quezon City

## Proposal to Name the College of Business Administration as Cesar E.A. Virata School of Business | MINCTES OF MEETING

03 July 2012

#### Administrative Officer/Staff and REPS Present:

Dean Ben Paul B. Gutferrez Dean, CGA
Jazmin F. Baoy, University Research Associate II
Corazon C. Manalang, University Research Associate II
Evelyn F. Ulpindo, University Research Associate II
Rosalinda P. David, Administrative Officer III
Ceciiia S. Saulo, Administrative Officer III
Diosdado G. Cunanan, Jr., Librarian I
Ma, Teresa M. Bal, Student Records Evaluator II
Rowena S. Lares, Administrative Assistant V
Rosanna C. Espiritu, Administrative Assistant V
Arnaldo N. Gomez, Aireon Technician II

#### l. Call to Order

The meeting was called to order at 2:00 p.m. with Dr. Ben Paul Gutierrez presiding.

#### II. Matters Discussed

Dean Ben Paul B. Gutierrez reported to the UPCBA administrative staff RI-PS that during the July 2, 2012 disculty incering, the faculty unanimously approved the proposalto name the UP College of Business Administration as U.P. Cesar E. A. Virata School of Business.

Various justifications were explained by the Dean for the proposal. There were no objections from the members of the administrative staff and REPS and are collectively in favor of the proposal.

#### III. Adjournment

there being no other matters to discuss the meeting was adjourned at 3:00 p.m.

Prepared by:

AZMIN F. BAOY Recording Secretary

Notesi:

BEN PACT B. CETTERREZ Dean PRINTED NAME

MARISH E. DE SHATES

08 December 2012

SIGNATURE

We the undersigned alumni of the College of Business Administration endorse the renaming of the College of Business Administration to the Cesar E. A. Virata School of Business.

Vicky Castillo Lim - Tan

Vicky Castillo Lim - Tan

NA. MIGNON W. RATIOS Warner BODAA 182 MBB

RAVE A. TAN

ANNBAUE LIM CHIA buy the BYANE'S 2

HELEN G. TIN

MARIFE MEDINA DAMS Milling F. SAND 182

ALEC TEMPONORO Sulemfor BSAND 87

NETTE WYA HURANDA WAS BORNA 87

1 DONE N. DEBUDAT

JONE N. JEWEN

Grace Ong chip-Lee

Maristella Palistandhia Marthh & Lithn BSBAR7

PRINTED NAME	SIGNATURE
Norma Rames Druglesa	Notan
	ly Nember 1965-1979
Romes Nevi	Salatales BOA 71 MAA 75
Filomena M. Canto	
Juomena Mi Cance	ria Malanto 18/64
	Cesar E. A. Virata School of Business
C/255 1962 - Golden	
	**
PRINTED NAME	SIGNATURE
All Helming IT Jackey	a Charles !
THE WEST	
FLORIDO P. CHSMETH	Monte O. Va
M LANKING F RUFTERIALINE	
AHPALELI H MANAS	e
ROBERT FORMADA	- film
EDNICE CALLAS	Las Da Tanto
MAHAR MANGAHAS	
RAFAEL RODRIGU	Ez mu negy
DOLPHS ALANDY	by f. My
MA ROSARIO QUINTOS GVERZO	Zen Kashingon
UP MBA SOCIETY	
Ut WAY SOCIETI	Cesar E. A. Virata School of Business
	<del></del> <del></del>
PRINTED NAME	SIGNATURE
JAIMES DELOS SANI	75 74 Ly2
MA AVICIA PHEJIA	178 ( ) [ ]
AMANDA GARCIA	100 shef
T Paris de a	lars 178 1/0-

### 15 August 2012

We the undersigned students of the College of Business Administration endorse the renaming of the College of Business Administration to the Cesar E. A. Virata School of Business.

PRINTED NAME	SIGNATURE
MAGUN E. ALE/ANDEN	
yourne saith No Advincular	admark
Abraham Alsol	Haldberham
Alayza Azis	Xloupits.
Karla Marie D. Baha	131-124
Amounting Concern D Borroge .	
Angela Printine G. Demagillo	dan He
FRANZ VSLLAFATOR	
Favis, Imm ancelle	
Retuta, Kimberly V	Strate 1
Ravanilla, Na Kathlyn P	O Hawala
Our form remond 5	
_Bronson_L. Dulan	Bronchlan
Mark Aldine F. Bucao	
ALBIRTOUSE B. BUNDALIAN	600
Christophia A. lapulous	m. My
Michaelly markin O. couto	Ly
Francieca Grace Cruzado	
CHRISTINE JOY P. CRUTAT	<i>GG</i>

PRINTED NAME	SIGNATURE
chnotian trugh ( inhade)	y problem
Jeffrey Rondoc	The state of the s
Serronn, Yalrin Raxiel	( dien.
tialle. Julya Kyri, P	I want
Dela Cour La Mortono M.	
RODENIAL, levelleen	
Cristine Rose V. Evoles	
TRIA, RODEL B.	
DE overan, and	· Cra
Yumul, Nicanor Jr. M.	1 Amy
TO MONT AINE	they lyne ?
CRUZ, ARACELINE	dachia
Ann Ocampo	AMD:
Tantage frontes	Jank perts
! Karen thige	( the state of the
Regione Dealist	- Caped
Kruffele Ann Manzano	Man
MUUTICK UM	Al culter -
NICOLE ICOA	The day of the same of the sam
CHRISTIAN TRAISECT	9 99
legh Mex	- My
Miko Majero	
Angelo Miguel 1899 Pothick Desposes	1 42 x X
ERIN CONF SUCC	
Alvin 4015	To.
Calaba, Indian	
Bomalu Achoe	de byer
Dolores, Mel Fagela	Tradulinu
ilipo, Loderico Di	XIII
Masongray, Chian	and a
• •	1 5

	<del></del>
PRINTED NAME	SIGNATURE
MIKHAEL ANJELU B. MAGANA	Ceff
RANIEL JUDE PAMATIMAT	
Niñolito A. Colita	er c
Anthony Marin Duya	om g loya
Garrel Crua	<u> </u>
LCP-EN Pro I lucquan	_ · · · · · · · · · · · · · · · · · · ·
Aprille son Miguel	- fon Twant
GIRAY, Janka A.	- Jani
GESMUNDO, Janina	- Jahle germando
CONCINION, MAKIAN	
Perolla, Diana_Marie	2 Smoth
Bautista, Laurence Martin )	Sefr -
Cortez, Hozel Grace M.	Iful (
Mag. Isabel Pomua J.	- Valjaur-
ESTUDILLO, ANDRE KARL C.	- Costatila
tellizar, jasmin	Jan San San San San San San San San San S
Gingus, Mahy Lyn	- Omn I
Magalo Jelin Maderick	- 100 Andrew
NILL Joyce Diani G.	
	<b>U</b>

PRINTED NAME	SIGNATURE	
Ruchtlif Awar organ	8604	
Many Rose Johana E. Samo		
Jerome Pertrand Timothy de Luna	$Q_{i} = \frac{Q_{i}}{2}$	
Krma Vergara Keren Valderamos		
Gleffany M. Pispis	All In I (m)	
Alvin Herrera		
Marga Maronan	XU	
Geraldine Org	<del>3</del> -6	
Alvin Christian D. Baluyu		

PRINTED NAME	SIGNATURE
Mitzi Any Victoria C. Gurizellis	ille Tolynice.
Ayrin Menodial Galang	
Grace wine N. Galviti.	His Chart Hatriff
Alexandra Bonnevic	720
Ralphe Joinne 2 Namader	Furnamarin
Emmanual loggeth 2. A Grand	CAMA
Larger Torre Yea Mentez	Unu u
MANUEL E VILLA, JA	
MCTERIA HARDRUM	Mujach
Kestaviann Magse	(20)
Anna Pedricia L. Peretes	
John Report Aumorra	
Civer C. Jack	Plan Sij
- San Laure	A Secretary Control of the Control o
Jamic Jae Domagsong Mit	
Ramund Adution	Pynys
Remod P. Iscalarde	1362
Alfenso Matial SC.	- Julian
PRINTED NAME	SIGNATURE
Jason Virtueso	Combine
Pamas Cario Po Roda	1.16
Christopher Datou	Steran
Justin Neny	Wist Day
Syperamier	V
Kraile Feilment Berlo MFm	MAG
Kareen Gacos	Н
James Abardo	12
Hamld Ceasar T. Way O-4ktin	JNQ S.N.
Bethilda Clutario -Castillo	Bicastello S
Christopher A. Hingpit	Clouds !
POBRIMO C. MINTOLIES	

PRINTED NAME	SIGNATURE
overage longther MBA	
Settentin Forald Bar 1844	lunt
Cahaly, Echardo MBA	Eucalor
Francisco, Janpal MBA	Jan
Suarrz, Ryan S. MBA	Prycury
SANTER Englished A. MBA	
BILLS ELVIN L. MBA	753
RESTON, KEN B. MP.A	1 26/2
MAPILUM, MA CECILIA MIPA	
VILLEGAS, GARILLE MEA	/1 x 1/c
ACAL, DONNA MBA	Marl
LAURIO, GRACE MBA	2
MARKICS ARDERS, WHEN	No.
SELECTION NOTES 105FM	
OTA TEPETO PENNIER MILE	
PACIFICA, LINE C. MIFIN	
MANLA, JANN FRIC F. MCFIN	
dawrs, milings 1). Here	
PRINTED NAME	SIGNATURE
BILLY VINSSEN PARINAS	Bulyturney
HA ALYGA CRITICLE S VALIKA	west or
Araujo, Oncor Jan	Or/
EDALINE PLACE 1 - 12 (MICE)	100-
PRINTED NAME	SIGNATURE
LEE, ANNIE FRANCES O.	
PRINTED NAME	SIGNATURE
BALADAD, Benjamin D.	Byn O. Boladad

PRINTED NAME	SIGNATURE
GHIAN CARLO A MARVOOT, MBA	Mund
CHAMIES 2 AIRSTA III MBA	(6)
Rochete to modified (MM)	
Paylers & Padires, MIP	- Alle
shelly vanessy A. Roller (MBA)	X 15000
RAFFY T. NGO , MBA	As flav I
Allan Yacat, MBA	
CHRIC PERAITA	
CHAICKINE G. DAZA	C((
HAREL JOI M. ALCARA? - MIT	coepth of
Denmark C. Marcon - MSF	Agin
Merika Juliana S. Dela Pura MS	Nilliagerai
From Martin 1 Sartalane MSF	College
Jeremiah Webster 5. Paras MSF	
Ariadne Buscato - MSF	ani
Noct to M.F	<u></u>
•	
PRINTED NAME	SIGNATURE
Bachelic Acevedo	Rabelle fee or S
Kim Jap	Kdyp
, 1	//
PRINTED NAME	SIGNATURE
John Ross de Capamon	· <del>家</del> , · · · · · · · · · · · · · · · · · · ·
	:
PRINTED NAME	SIGNATURE
JASHIN DALUSONG	Ad Society
	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
PRINTED NAME	SIGNATURE
Monica Lee	Monicablee

PRINTED NAME	SIGNATURE
CLECTIND JOING AND A.	Essay Co
PACIA SHELL KINDSON C.	Karila
ELLA CRAR, Galaire (1)	
PRINTED NAME	SIGNATURE
Japan L. Carration	Mrs. J. James
Leda Coura Samin Plane Mar. M. Herez	Con party
Monage Malanna	121/
Patrick Valentin	Ahrs
Rejann Biros	V-R
Hen Entrent	Mr 1 /sty
Mary Ysobel D. Garcia -	- Jan
ARIEL MENDOTA	- Xabru
JOBBAHM GAWAN	174
Oner Belsario	Silfred .
CJ SUN	1. 2
Gim Reyrs.	Horstage
someth may compar	Swhahi
Maria Eleno Macam	myn _
Prunis Gregory 1: Marti	
RICKS MATIOS	- Juli
CATHERINE MAMINTA	Grannith
NO CALL DISEASE	Xille
PRINTED NAME	SIGNATURE
KONDRA MAS BRAIS	Nangi
Ke anne Samtus	Kitw
emmy AMADEO	Top
Manchis M. Ayist	mma
Billy de Lan	Jung .
De di Ann Catalan	/ Hull
Adrian Cailau	

	//
PRINTED NAME	SUSNATURE
AGNEJ TAZON	
MARY GRACE BANZON	Jan O
MEMPER SOLENO	And the second
KARLO ROBOSA	Meson
PRINTED NAME	SIGNATURE
Lanvai Obtinario	V
Rosalyn Gunaga	bc
FLANCIS CASTANEDA	Jm2
Vit Ostro	12e
WATER KICHARD CARLENG	Y att log
Maria Cristina K. Silva	- Masmil
Lives Carrey	24/
VOERET ISAAC V. OEZ MOSA NIO	
Keden Malagut	
Injurioleite marani	1 Injuneur
MICHARL DOILVIE	A
DONNA DE JERNS	Day 6
TESI RUMATAY	The transfer of the second
MAYIAN GILLAUGA	The MAYOR
and Car	
Ela Song Dela (sia	The Leads
Jel Tegan	
Clasa Calvanis	
PRINTED NAME	SIGNATURE
Toymie Anne Periodian	filt.
comilé colma	- Kingli

PRINTED NAME	SIGNATURE
DANETTE NICCLE C DELA CRUZI	
Donna Shangru F. Some is	
Montessa G. Guélas	Lou far
Maneile_heucz	-7h-19-
Junanelle Chez	
Czarna ferna	
Panela Amia'an	1,950
GILLIAL STORY R COLLIT	
Ohnemac Rus	The state of the s
RACHEL ANN P ALCANTARA	Micoriano )
Antoni Jun D. Lagrosas	Nogure -
Jun V. Adria A. Caren	
PRINTED NAME	SIGNATURE
CHRISTELLE C. LAD	wh.
Louise Angela To Vivar	1:-2
Hazel Almonia	Care
ALMEDA, PILLIAN C.	- Children
LOZANA MUSICA POSE E.	
Brailaces, Hudre L.	The wi
housele, Comine Jusmine	Hegin
Calso, Mar Angelica	Jan -
Mcano, Jose Angela A.	1700 Congres Congres
Carry Ron Genald	Dimedia
LETABA, DAPHAEL HARON	
Gatpandan Mork	
Weng, Partnick	1 Mylling
DyDione	'ATT
14 (4.4)	1-+7
Lâm, Josh	<u> </u>

LETTER FROM THE OFFICE OF THE CHANCELLOR TO UP
PRESIDENT ALFREDO PASCUAL ON THE REQUEST TO RENAME THE
COLLEGE OF BUSINESS ADMINISTRATION INTO THE CESAR E.A.
VIRATA SCHOOL OF BUSINESS, 11 APRIL 2013

Chancellor Caesar Saloma wanted guidelines for renaming constituent institutions (not structures) of the University of the Philippines to be formulated before the College of Business Administration could become the Cesar E.A. Virata School of Business. However, it appears that he was also the first to highlight the distinction between renaming a unit/entity and renaming a concrete structure, which later became a defense of those who supported the renaming. There are still no guidelines in the University of the Philippines for renaming constituent institutions as of this writing.

Source

Office of the Secretary of the University, 27 June 2013.

UNIVERSITY OF THE PHILIPPINES

QUEZON CITY VoIP TRUNKLINE 981-8500 LOCAL: 2558, 2556

APR-2813

Direct Line: (632) 929-5401, (632) 93711835

Fax: (632) 928-2863

E-Mail: oc.upd@up.edu.ph

11 April 2013

REFERENCE NO. CAS-13-145

OFFICE OF THE CHANCELLOR

President Alfredo Pascual University of the Philippines System Diliman, Quezon City

Subject:

Request to rename the College of Business Administration

into the Cesar E.A. Virata School of Business

Dear President Pascual:

I am transmitting to your office the official request (through channels) of Dean Ben Paul Gutierrez to the UP Board of Regents to approve the renaming the UP College of Business Administration (CBA) into the Cesar E.A. Virata School of Business. The request is supported by many of its current and past faculty members as well as alumni (please see the attachment).

Mr. Cesar E.A. Virata (b. 12 December 1930) obtained his BS Mechanical Engineering and BS Business Administration (cum laude) degrees from the University of the Philippines in 1952 and his MBA (Industrial Management) from the University of Pennsylvania Wharton Graduate School in 1953. He was also conferred the Doctor of Laws degree (honoris causa) by UP in March 1976.

Mr. Virata has served UP, the Philippine government and the country for many years and with clear distinction. He started his professorial career as a CBA instructor and served as CBA Dean in 1960 and 1964 (two terms) during the terms of UP Presidents Vicento Sinco and Carlos Romulo, respectively. He also held other key government positions including as the country's Prime Minister (1981-1986) during the term of Philippine President Ferdinand Marcos. as Batasan Pambansa Member (1978-1986), as Secretary/Minister of Finance (1970-1986) and as Governor for the Philippines in the World Bank and Asian Development Bank (1970-1986).

I endorse the CBA request for favorable consideration by the University with the following pre-approval requirement for consistent and proper implementation of similar initiatives in the future:

The University first needs to formulate a clear set of guidelines on the matter of naming/renaming a constituent institution (CU, college, institute or department) after distinguished individuals (alumnus, faculty member, administrator, donor, etc) especially if they are still living.

The set of guidelines will describe in working detail the process of approval and the (minimum) requirements as well as the corresponding obligations, constraints (limits) and responsibilities of UP and the honoree and his/her family (heirs).

The University already has a duly-approved set of guidelines for naming/renaming **infrastructures** (e.g. halls, buildings, classrooms) but **not** for institutions that in the future, could be split (e.g. College of Arts and Letters) or transferred to a different location in UP Diliman or even to another CU (e.g. College of Fisheries, College of Veterinary Medicine).

Finally, I also point out that while many business schools are (partly) named after individuals, donors or organizations, a number have not adapted the said practice such as the Harvard Business School, Yale School of Management, Columbia Business School, Stanford Graduate School of Business and INSEAD.

Thank you.

Very truly yours,

CAESAR A. SALOMA Chancellor

Attached:a/s

c.c.: Dean Ben Paul Gutierrez, CBA

Action of the Board of Regents at its 1287th Meeting on 411

APPROVAL

Secretary of the University

and of the Board of Regents



# Intelligence Assessment, "Philippine Economic Decision Making: The System and the Players" by the Central Intelligence Agency, United States of America, March 1983

A profile of Cesar E.A. Virata as a member of the "Gang of Four" economic technocrats—the other three being Central Bank Governor Jaime C. Laya, Minister of Industry and Trade Roberto V. Ongpin, and National Economic Development Authority Director General Placido L. Mapa Jr.—is included in this United States Central Intelligence Agency (CIA) assessment. The CIA generally had a negative view of Virata's influence, even though he was already at the height of his career in public service as prime minister/minister of finance. Laya's office was accorded more influence. Excerpts: "Even though he heads the technocracy, Virata's record suggests that he is among the least dynamic of its members;" "We believe the budget process has become unwieldy under Virata and Budget Minister Manuel Alba, who have yet to adapt the process to the recent growth of public-sector investment spending;" "On balance, we believe the strength of Virata's political position—and perhaps eventually his ability to make economic policy independently of political pressure—has eroded since early 1982."

Sanitized Copy Approved for Release 2011/02/03 : CIA-RDP84S00553R000100110003-4

Directorate of Intelligence

Secret

# Philippine Economic Decision Making: The System and the Players

An Intelligence Assessment

Council.

This assessment was prepared by the Southeast Asia Division, Office of East Asian Analysis. Comments and queries are welcome and may be addressed to the Chief, Malaysia, Singapore, Islands Branch, OEA,

This paper was coordinated with the Directorate of Operations and with the National Intelligence

Secret EA 83-10037 March 1983

Sanitized Copy Approved for Release 2011/02/03	: CIA-RDP84S00553R000100110003-4 Secret
Philippine Economic	25
Decision Making: The System and the Players	
Question: "What three parties run the Philippines?" Answer: "Ferdinand Marcos, Imelda Marcos, and the International Monetary Fund."  (Joke making the rounds in Manila)  Balance-of-payments strains and sluggish growth since 1980 have rapidly shifted the process of economic policy formulation in the Philippines in favor of two groups: the technocrats—led by Prime Minister (and Finance Minister) Cesar Virata—who collectively run the key government policymaking agencies, and international financial institutions—headed by the International Monetary Fund and the World Bank—that require changes in economic policy in exchange for continuing balance-of-payments support. <sup>2</sup> The sponsorship of the Fund and the Bank and the advocacy of the technocrats account almost exclusively for recent trends in economic policy.  Three other institutional interests influence economic policy. The most important are the politically well-connected—especially business interests close to President Marcos—who collectively manage most processing industries for primary commodities. Government ministries and state enterprises outside the control of key technocrats also have numerous policy responsibilities and comprise the rest of the government, several private think tanks and lobbying groups are prominent advocates of various approaches to economic strategy. Although they have been especially	public intellectual debate about policy, they hold widely divergent views and do not present a united front.  How the Marcos System Works  Manila's actual policymaking is the product of interaction among the individual players. US Embassy and intelligence reporting since the early 1970s shows that Marcos favors a collegial style of decisionmaking in which he reads numerous position papers prepared by his staff. Though it is often difficult to tell how actively he is involved in the economic policy process, we are certain that all major decisions require his approval. Less critical decisions are determined by the relative influence Marcos awards key coordinating agencies in the decisionmaking system.  The current decisionmaking framework is the product of constitutional amendments of Marcos's own design that closely followed the dismantling of martial law in January 1981. The executive branch was reorganized along the lines of the French-style strong presidential system. Marcos's choice of Virata as Prime Minister was dictated, we believe, largely by economic events at the time—especially the ongoing financial crisis.
active during the past few years stimulating a lively	Assessing the Technocrats' Performance. Aside from its managerial competence, the gang of four's chief strength is its reputation for being apolitical and

# Table 1 The Philippines: Institutional Interests in Economic Policy Formulation

Institution	Remarks	Institution	Remarks	
Decisionmakers within g	overnment	PCA (Philippine Coconut Authority)	Oversees enormous coconut industry, in- cluding research, marketing, finance.	
Key ministries  Central Bank Most powerful institution in influencing		State financial organizations		
Central Bank	the direction of the economy. Generally favors conservative monetary policies and	United Coconut Planters Bank	Finances coconut trade and price stabiliza- tion scheme administered by the PCA.	
	exchange rates that somewhat overvalue the peso. Philippine equivalent to the US Federal Reserve. Along with other minis- tries, advocates free market policies with selected price-distorting mechanisms that favor domestic entrepreneurs.	Philippine National Bank	Largest bank in the Philippines. Provides corporate finance and equity. Headed by Gerardo Sicat, formerly director of NEDA and longtime advocate of economic policy reform.	
Ministry of Finance	Has supported expansionary spending poli- cies. Equivalent to the US Treasury.	ment Company	Holds equity stakes in 40 private firms. Expanding rapidly.	
Ministry of Energy	Among the most favored ministries in the budget.	Development Bank of the Philippines	Holds equity stakes in 122 private firms. Recently referred to by one US banker at the "financial junk heap of the Philippines," as a result of the poor financial condition of the firms it has acquired.	
Ministry of Agriculture	Least influential ministry.			
Ministry of Labor	Manages overseas employment programs and domestic industrial relations. Industrial relations policy debated by tripartite government, business, and labor groups in a highly publicized manner atypical of other policy issues.	Coordinating bodies		
		The Monetary Board	Financial coordination: foreign and domes- tic government borrowing, monetary and exchange rate policy. Chaired by Virata.	
		NEDA (National	Coordinates long-term planning. Weaker	
Ministry of Human Settlements	Run by Imelda Marcos. The Philippine equivalent to the US Department of Health and Human Services.	Economic Development Authority)	institution than several years ago. Advo- cate of high interest rates and small budge deficits as a technique of balance-of-pay- ments management. World Bank and IMI	
Ministry of Trade and Industry	Functions sharply expanded in recent years.		restructuring program advocated for a decade by NEDA before implemented a	
Selected state enterprise	es		policy in 1980.	
National Power	Handicapped by artificially low electricity	Overall policy design		
Corp. Philippine National	Charged with refining and distributing petroleum, mostly imported.	Office of the President	Decides all matters of consequence, chan- nels issues to other institutions via Execu- tive Committee.	
Oil Company Philippine Air Lines	Among the least sound financially of the state firms.	Office of the Prime Minister	Has acquired much of palace's decision- making machinery since 1981. Incumbent an advocate of market-oriented economic	
NASUTRA (National Sugar Trading Corp.)	Responsible for export marketing.	The Executive Committee	policies, but strongly nationalistic.  Considers largely technical matters according to agenda forwarded from Presi-	
PHILSUCOM (Philippine Sugar Commission)	Responsible for domestic management of sugar industry; among better run of state firms. Administered by Roberto Benedicto, a close associate of President Marcos.	The National Assembly	dent through Prime Minister.  Essentially a rubberstamp, completely dominated by ruling party apparatus.  Nonetheless plays more active role in	
	Semiprivate, controls processing of raw	·	discussion of policy than several years ago.	
Coconut Oil Mills)	coconut. Run by Eduardo Cojuangco, a close associate of Marcos, and Defense	Influential interests outside government		
	Minister Juan Ponce Enrile.	International institutions		

#### Table 1 (continued)

Institution	Remarks
The IMF	Provides short-term balance-of-payments support, requiring suitable monetary, fiscal, and exchange rate policy as precondition. Despite occasional criticism, the Fund and other official lenders have few fundamental disagreements with Manila over policy design. With other official creditors, advocates market-oriented economic policy.
The World Bank	Provides long-run development finance generally without preconditions on domestic economic policy. An exception is the \$650 million balance-of-payments structural adjustment program.
The Consultative Group	The Philippines' consortium of foreign aid donors; examines the economy in detail at annual meetings while coordinating aid flows.
Domestic think tanks a	nd lobbying groups
The Center for Research and Communications	A privately funded policy analysis and forecasting group without formal ties to the government. Exercises some influence on government through its ties to private investors and informal links to the technocrats, but under political pressure has reportedly tailored some of its judgments to what the government wants to hear. Headed by Harvard-trained economist Bernardo Villegas.
SGV Accounting (SyCip, Gorres, and Verrano)	A financial consulting and accounting firm; trained Laya, Virata, Ongpin, and other technocrats in the practicalities of financial management. Not an active advocate of a particular economic strategy, we believe its alumni nonetheless are imbued with a bias against multinational corporations.
The Makati Business Club	A loose conglomeration of business interests, including several opposed to Marcos. During the summer of 1982, conducted a public reexamination of economic policy, calling for far-reaching changes amid charges of a "crisis of confidence" in government. Headed by Enrique Ayala-Zobel, an oligarch whose wealth predates the Marcos era.
The Philippine Chamber of Commerce and Industry	Key lobbying group of local business interests. Vigorously opposed to economic restructuring program. Advocates discretionary assistance to the private sector. Headed by Fred Elizalde, an industrial oligarch with ties to the President.

honest. Several are extremely wealthy, but none has vested interests that compromise policymaking. Marcos has even claimed he is grooming Virata for a possible role as successor, though most astute political observers doubt the Prime Minister's political acumen!

Their record indicates that the technocrats bring to policymaking a healthy pragmatism and the will to resist tailoring their judgments to what the President would like to hear. Virata and Ongpin, unlike many other presidential advisers, are candid with Marcos,

They are also willing to confront entrenched economic interests when they believe the integrity of policy is at stake and are thus ideally suited to the role of engineers of economic and social policy reform. They have long been advocates of overhauling government trade and industrial policy, for example.

The technocrats are adept at using their excellent international reputations to bolster confidence in the government's policies. Laya, for example, is credited by international bankers with saving the country from financial calamity with ad hoc measures in 1981. We believe the lynchpin of his strategy was successfully shifting blame for the crisis onto a financier who had fled the country, while Manila defended the peso in the face of an estimated \$800 million in capital flight. As a result, the government's international credit rating remained unblemished, and Manila bought valuable time in which to implement a financial rescue operation.

Though their prominence has unquestionably improved policymaking, in our judgment the gang of four has weaknesses that prevent them from living up to the image Manila has created in the eyes of private foreign bankers. We believe the formulation and execution of policy are slow, so the policy response lags changes in international economic trends. In addition, uneven administrative performances impair policy coordination. Even though he heads the technocracy, Virata's record suggests that he is among the least dynamic of its members. Meanwhile, Ongpin in our judgment has developed into an empire builder, reflecting his training as a manager rather than as an

#### A Profile of Interest Groups

#### The Technocrats

Manila's present staff of technocrats rose to positions of prominence during the financial crisis of 1981, when the collapse of the domestic commercial paper market left the private sector without short-term financing and the existing government decisionmaking apparatus with severely damaged credibility both at home and abroad. Best known among them is a group respectfully referred to within government as "the gang of four"—Prime Minister and Minister of Finance Virata, Central Bank Governor Jaime Laya, Minister of Trade and Industry Roberto Ongpin, and Planning Minister Placido Mapa (see appendix A for personal profiles). Through their individual ministries, they are jointly responsible for budget management and fiscal policy, exchange rate and trade policy, investment regulation and industrial policy. money supply control and financial regulation, development planning, and economic policy coordination. Except for Virata, the technocrats are young and less tradition bound than their predecessors.

A background of training in US graduate schools and a strong inclination towards nationalism mark the technocrats' intellectual makeup. We believe all recognize the strength of market forces in designing policy, but all are essentially Keynesian in philosophical outlook. Thus, fiscal policy designed to boost domestic spending is consistently an element in their policy design along with a preference for prices set by market forces. According to many Philippine government officials, the technocrats see this approach as a way of reducing the role of influence and corruption in the daily running of the economy, thereby increasing economic efficiency.

In our judgment, nationalism rather than laissez faire, however, rules the technocrats' decisions on financial planning. We believe Manila's current corporate rescue program is designed largely to keep management in Filipino hands while improving corporate efficiency, because the technocrats regard foreign investment as competition for indigenous entrepreneurs. When the investment treaty governing US investments expired in 1974, for example, Virata as

Minister of Finance successfully lobbied for a foreign borrowing program to fuel development rather than to liberalize foreign investment regulations. The country's foreign investment procedures remain among the most complicated in Southeast Asia, as a result, according to US Embassy officials.

#### The Official Creditors

Though executed by the technocrats, the most farreaching changes in domestic economic policy since 1979 have been undertaken at the insistence of the International Monetary Fund and the World Bank. the country's two leading creditors. The Philippines is among several developing countries engaged in a jointly sponsored IMF-World Bank industrial restructuring program requiring adjustments in tariffs. interest rates, foreign exchange controls, and exchange rate policy—combined with limits on growth of the money supply and on foreign borrowing. Professional journal articles and academic treatises by technocrats less influential than the current group show that they advocated similar measures during the early 1970s. In exchange for policy reform. initially resisted by the government because of anticipated objections from the politically powerful private sector, Manila is receiving credits from the Fund and up to \$850 million in World Bank loans covering 1981-85 to modernize key industries.

#### The Well Connected

4

Economic oligarchs have run key sectors of the economy—ensuring operational control and policy influence for the well connected. Through control of state enterprises, personal associates of Marcos set policy in two critical agricultural sectors, the sugar and coconut industries, which provide income for an estimated half the population. Sugar production, processing, financing, and marketing are controlled by former Ambassador to Japan Roberto Benedicto, and similar activities in the enormous coconut industry are controlled by National Assemblyman Eduardo Cojuangco and Defense Minister Juan Ponce-Enrile. The Ministry of Agriculture has no role, even as a coordinating agency.

Marcos has relied on other political allies to develop the domestic construction, finance, and heavy industries, thereby constraining, in our judgment, the latitude of important government ministries in setting financial and industrial policy. This intensifies the charges by political opponents of cronvism and corruption. Manila's decision to provide up to \$650 million in financial assistance to failing private firms in early 1981 was criticized by less influential businessmen who claimed that financial policy was compromised to bail out friends of the President. Most businessmen, however, according to US Embassy officials, believed Manila had little choice but to intervene to prevent the economic dislocation that would have resulted from a string of corporate bankruptcies. Moreover, the government required streamlining and management reorganizations as preconditions for financial assistance and injections of public-sector equity capital. As a result, one prominent US banker told US Embassy officials in July 1982 that cronyism had been reduced.

#### Key Players in the Public Debate Over Economic Policy

Best known of the research groups is the privately funded Center for Research and Communications (CRC). Largely a consultant to investors, the CRC nevertheless publishes widely on national policy matters and economic trends, providing the government an informal indicator of the private sector's expectations and preferences on policy. The CRC's publications show that it has been supportive of the technocrats and their policies and has occasionally criticized Marcos. It has advocated limiting the role of government and avoiding the development of an industrial policy it refers to as "lemon socialism"keeping inefficient firms afloat with public funds. The CRC has told US Embassy officials that the role of cronyism in diluting policy formulation is on the wane.

The CRC's only direct ties to the government are informal contacts with presidential assistant Alejandro Melchor. Some US Embassy officials believe, moreover, that the CRC has succumbed to political

pressures recently by altering the conclusions of its research to make them more acceptable to the government. For this reason, we believe the CRC's value in the policy debate is declining.

A group of leading businessmen known as The Makati Business Club has tried to develop its own dialogue with the government. Established in mid-1982, the club's chief purpose is to persuade Manila to improve the integration of the private sector in national development as a way of defusing political instability and halting the country's economic slide. Its plan calls for the adoption of a labor-intensive growth strategy, deregulation of key industries, accelerated land reform, and a halt to state capitalism. The club, which includes businessmen with ties to Marcos's political opposition, has been critical of government corruption and inefficiency, cronyism, limits to free expression in the media, and even the technocrats because of the current trend toward larger government. US Embassy reports and press coverage reveal that the government has been tolerant-if not always receptive-to the club's views, which have been repeated with increasing frequency as the economy performs poorly and the rural Communist insurgency expands.

Among several persuasive lobbying organizations is the Philippine Chamber of Commerce and Industry (PCCI), a group of manufacturing interests heavily oriented toward the domestic market. The PCCI takes positions reflecting its own interests on a wide variety of issues, ranging from domestic energy prices to interest rate policy. Most of its recent energies have been focused on opposing the IMF- and World Bank-sponsored economic liberalization program. It has taken its case aggressively and persuasively to the press, and we believe it is taken seriously by government officials.

Table 2 Assignment of Policy Responsibility to Leading Economic Problems

Economic Problem	Policy Instrument	Responsibility
Short-run balance-of- payments instability	Exchange rate	Central Bank
Long-run balance-of- payments instability	Exchange rate and industrial policy	Central Bank and Ministry of Trade and Industry
Foreign debt service	Ceiling on new loans, refinancing	Central Bank via Monetary Board and debt management office
Central government dissaving	Spending and reve- nue management	Ministry of Finance
Short-run growth instability	Short-term credit to the private sector, pump priming	Central Bank via state banks, Ministry of Finance
Slow long-run growth and lagging productivity in:	,	
Agriculture	Exchange rate policy, land reform, input subsidies, credit to farmers	Central Bank, Minis- try of Agriculture, Ministry of Human Settlements
Manufacturing	Exchange rate policy, commercial policy, investment regulations	Central Bank, Minis- try of Trade and Industry
Low return investment bias	Interest rate	Central Bank via money supply growth and capital controls
Low risk investment bias	Capital market de- velopment, public- sector investment	Central Bank, Minis- try of Trade and Industry via NDC
Capital-intensive invest- ment bias, unemploy- ment, and skewed in- come distribution	Exchange rate, capital equipment subsidies	Central Bank, Minis- try of Trade and Industry
High population growth rate	Family planning	National Economic Development Authority
Inefficient land utilization	Land reform, infra- structure investment	Ministry of Agriculture
Energy import dependence	Investment in hydro, geothermal, and nu- clear power. Pricing of gasoline, electric- ity. Promotion of oil exploration.	National Power
	1	

economist. A "doer" rather than a designer of policy, many government officials say that Ongpin's Americanized style is out of place in the traditionally nonconfrontational environment of Filipino policy-making.

Policy planning and coordinating mechanisms headed by the technocrats perform inconsistently, in our judgment. The Monetary Board, chaired by Virata with representation from most ministries, independent agencies, state enterprises, and financial organizations, meets weekly to plan financial policy. We believe its management of the foreign borrowing program is well above Third World standards, but the expansion of foreign borrowing since 1980 has sometimes placed too many loans in the international capital market at once, making potential lenders nervous and occasionally aborting the borrowing plans of state agencies. The board's efforts to develop local capital markets by reforming financial regulations have sometimes been at odds with growing government deficits, which have soaked up an increasing share of national savings even as reforms in financial regulations were implemented to stimulate savings. Last year, for example, the public-sector deficit reached 4.2 percent of GNP, and the sector accounted for over half the economy's net credit creation. In our judgment, economic nationalism has also compromised financial planning by limiting the role of foreign investment in tapping new sources of capital.

We believe the budget process has become unwieldy under Virata and Budget Minister Manuel Alba, who have yet to adapt the process to the recent growth of public-sector investment spending.<sup>3</sup> Last year implementing ministries and state corporations prepared individual capital budgets that exceeded available resources by over 65 percent, according to reports published by the World Bank. As for the long-term planning process, we believe the National Economic

<sup>&</sup>lt;sup>3</sup> In the early 1970s capital expenditures constituted only 10 percent of the national budget and the role of the state enterprise sector was relatively small; capital spending took 30 percent of total government outlays in 1981, according to the World Bank.

Development Authority (NEDA), which resets development priorities every five years, and Planning Minister Mapa, who is the only formally trained economist among the technocrats, have lost influence recently to the Ministry of Trade and Industry because of Ongpin's aggressiveness. NEDA's chief role is that of coordinator between the Central Bank and key ministries. The coordination process is described by NEDA officials as "consensus seeking" and nonconfrontational, and, for this reason, we believe the chain of planning authority is weak.	The President has also allowed the technocrats to have their way recently on a variety of other matters. The business empires of Marcos allies Herminio Disini, Rodolfo Cuenca, and Ricardo Silverio have been reorganized, despite their objections, under technocrat management to achieve economic efficiency. Ongpin was also successful in 1981 in a bid to scale back the controversial and publicly financed gasahol program to be directed by Roberto Benedicto. There remain limits to the technocrats' power, however. For example, Virata's \$2.4 billion ceiling on the country's foreign borrowing for 1982 was breached by govern-
Recent Developments. Even at the height of Virata's authority, economic policy has emerged only after continued battles between the technocrats and well-connected interests that control key sectors of the	ment guaranteed foreign loans secured by private corporations receiving government financial assistance.
economy.	On balance, we believe the strength of Virata's political position—and perhaps eventually his ability to make economic policy independently of political pressure—has eroded since early 1982. His relationship to
policy battles, however, suggests to us that the technocrats are prevailing over crony interests more frequently than they did during the 1970s.	Imelda Marcos, a political power in her own right, is tenuous.
The most widely reported and controversial contest over the past several years has concerned the coconut levy—a tax on processed coconut that finances a price stabilization scheme for farmers. Several financial institutions run by Eduardo Cojuangco administer the	When Marcos appointed his wife to the Executive Committee in August 1982, against his pledge to Virata that he would not do so, Virata's prestige suffered considerably,  The Executive Committee
program, and the scheme has financed industry con- solidation under an umbrella organization controlled	under Virata's leadership, moreover, has yet to consider its first sensitive political or economic issue.
by Cojuangco and Enrile. Worried by the rapid	
growth of the Communist insurgency in the coconutgrowing regions in late 1981, Virata persuaded Marcos to drop the levy in favor of higher prices for farmers. Industry management prevailed several months later to have the levy reinstated, however,  Virata threatened to resign. In January 1982 he persuaded Marcos to "float" the levy on a sliding scale dictated by international prices, and later in the year succeeded in suspending the levy completely when prices fell further.  *The suspension is temporary, and we believe the debate is certain to be rekindled when international prices again rise. In the meantime Marcos has chosen to help the severely depressed coconut industry with other policies, including a privately administered but publicly funded investment program.	The Decade Ahead: A Notional View of Economic Policy The Necessity for Choosing Wisely. In our judgment, Manila's economic policy making during the coming decade will depend critically on the degree of urgency Marcos attaches to the economy's problems and the potential political fallout they may produce. We believe that the outlook for the economy over the next several years is poor and that the most formidable tests of Marcos's economic decision making system are just beginning. As a result, the technocrats are



# "Nine-Hole Golf Course Is New Attraction on University Campus," *Diliman Star*, 25 October 1952

Marcos maintained ties with the University of the Philippines even when he was still in Congress. He was once president of the University of the Philippines Alumni Association, a position that has usually been held by Upsilon Sigma Phi fraternity brothers such as Marcos. Other Upsilonians include UP Board of Regents member Magdaleno Albarracin and UP President Alfredo Pascual.

Visitors coming to the U.P. and excursionists passing by on their way to Balara used to be struck by the sight of the Oblation at the entrance of the University. Now, a new picture catches their attention and leaves them a little puzzled about its presence in such scholarly surroundings.

This new attraction is the nine hole U.P. golf course with its greens spread across the wide campus.

The new golf course was conceived by Dr. Hilario Lara of the U.P.'s institute of hygiene and other Alumni back in 1951. They saw in the idea a means of beautifying the campus and maintaining its good look at no expense to the University. They also imagined that the golf course might make some money eventually.

The U.P. authorities approved the scheme. Work began on January 15, 1952, and was finished in early April, a record time of three months. The laying out of the greens entailed much time, effort and money. Grass was imported from as far as Alabang. The surrounding area was cleared of talahib with machinery and equipment loaned by the AGRD and the AFP Signal Corps, through the courtesy of Col. Syquia, Director Eustaquio Balagtas was instrumental in making available prison labor on the golf course, after the due representations with Malacañan.

On April 6, 1953 [sic] Congressman Ferdinand Marcos, president of the U.P. alumni association and the U.P. President Vidal A. Tan made the first drives on the new P30,000 golf course. In the first

# Nine-Hole Golf Course Is New Attraction On University Campus

by the sight of the Oblation at the entrance of the University. Now, a new picture catches their attention and leaves them a little puzzled about its presence in such scholarly surroundings.

This new attraction is the ninehole U.P golf course with its greens spread across the wide

The new golf course was conceived by Dr Hilario Lara of the U.P.'s institute of hygiene and other U.P. alumni back in 1951. They saw in the idea a means of beautifying the campus and maintaining its good looks at no expense to the University They. and also imagined that the golf inaugurated the new golf course course might make some money. Since its inauguration no less eventually

scheme Work began on January 15, 1952, and was finishof the greens entailed much time, effort and money. Grass was imported from as far as Alabang The surrounding area was cleared of talahib with machinery and equipment loaned by the AGRD AFP Signal and the.

first big-time coaching job he nas ever handled. And no other re-ward appropriate and more fitting for the magnificent fighting team that he has made of the present U.P. Maroons.

Malinis had played for the Varsity since 1947 before he became coach this year.

Visitors coming to the U.P. and Corps, through the courtesy of excursionists passing by on their Col Syquia Director Eustaquio way to Balara used to be struck Balagtas was instrumental in making available prison labor on the golf course, after Jue representations with Malacanan

On April 6, 1953 Congressman Ferdinand Marcos, president of the U.P. alumni association and the U.P. President Vidal A. Tan made the first drives on the new 730,000 golf course. In the first tournament that followed the inauguration ceremonies the Lothe largas, Enrique and his son Celso, representing the U.P. home team, took first and second place with a 34 and a 35, respectively. Congressman Marcos romped off with a special prize for hitting the longest in the first drive that

rentually
The U.P authorities approved held. These tournaments are participated in every Sunday by golfers belonging to different ed in early April, a record time clubs, government, army, and of three months. The laying out business circles, as well as faculty members and officials of Grass the University.

Professor Nicolas Zafra head of the UP history department enjoys the distinction of having made the first hole-in-one. He did it 128 yards from tee on green No 2 last September. To-gether with Dr Paterno Santos, the UP's registrar, he heads the list of Diliman's leading golfers. . The U. P. golf course is run by the University of the Philippines through a board of directors composed of Dr Hilario La-

Prof. Nicolas Zafra, Prof. Ra-mon Tapales, Dr. Paterno San-tos, Prof. Candido Bartolome, Col. Joaquin Hidalgo, and Mr. F. Aquino as members.

The club operates on a monthly overhead expense of \$1,200. Covered by this expense is the maintenance of the whole golf course, as well as the operation of a club house,

The management charges a green fee of \$1.00 for every player, excluding caddie fees which is eighty centavos per hour on week days and \$1.00 on Sundays and holidays. Students of the U.P. enjoy a 50% discount on club fees, while alumni of the University are given 75% off.

Since the start of the rainy season the club has not been making much, according to the management. "However, it suc-ceeds in breaking even," according to Mr. Bernabe Dizon, assistant manager of the club

The golf course justifies existence in the University providing it with a clean and beautiful campus, for which it would have had to spend a lot otherwise

Only the Oblation stands to lose in this arrangement, considering the amount of attention the nine greens dotting the sprawling U P campus have been getting lately.

### 78 Foreign Medical Men

Seventy-eight doctors and interns from 31 countries are serving on the staffs of 15 hospitals in the Washington, D. C. area. After studying American medical practices for periods ranging from one to three years, they will ra, chairman, with Dr. Enrique return to their homelands to fol-Virata, Dean Tomas S. Fonacier, low the medical profession.

Figure 1. An article from *Diliman Star* (25 October 1952).

Source: Diliman Star. 1952. "Nine-Hole Golf Course Is New Attraction on University Campus." Diliman Star (Quezon City), October 25.

From: University of Michigan. n.d. "The Diliman Star." The United States and Its Territories, 1870-1925: The Age of Imperialism. https://quod.lib.umich.edu/p/philamer/AQP5177.0001.001/28? rgn=full+text;view=image;q1=marcos.

tournament that followed the inauguration ceremonies the Lolargas, Enrique and his son Celso representing the U.P. home team, took first and second place with a 34 and a 35, respectively. Congressman Marcos romped off with a special prize for hitting the longest in the first drive that inaugurated the new golf course.

Since its inauguration no less than ten tournaments have been held. These tournaments are participated in every Sunday by golfers belonging to different clubs government, army, and business circles, as well as faculty members and officials of the University.

Professor Nicolas Zafra head of the UP History department enjoys the distinction of having made the first hole-in-one. He did it 128 yards from tee on green No. 2 last September. Together with Dr. Paterno Santos, the UP's registrar, he heads the list of Diliman's leading golfers.

The U.P. golf course is run by the University of the Philippines through a board of directors composed of Dr. Hilario Lara, chairman, with Dr. Enrique Virata, Dean Tomas S. Fonacier, Prof. Nicolas Zafra, Prof. Ramon Tapales, Dr. Paterno Santos, Prof. Candido Bartolome, Col. Joaquin Hidalgo, and Mr. F. Aquino as members.

The club operates on a monthly overhead expense of 1,200.00. Covered by this expense is the maintenance of the whole golf course, as well as the operation of a club house.

The management charges a green fee of 1.00 for every player, excluding caddie fees which is eighty centavos per hour on week days and 1.00 on Sundays and holidays. Students of the U.P. enjoy a 50% discount on club fees, while alumni of the University are given 75% off.

Since the start of the rainy season the club has not been making much according to management. "However, it succeeds in breaking even," according to Mr. Bernabe Dizon, assistant manager of the club.

The golf course justifies its existence in the University by providing it with a clean and beautiful campus, for which it would have had to spend a lot otherwise.

Only the Oblation stands to lose in this arrangement, considering the amount of attention the nine greens dotting the sprawling U.P. campus have been getting lately.



# CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, "IMELDA AND THE INTELLECTUALS," 25 FEBRUARY 1976

This document shows another side of UP and the Marcos dictatorship besides outright dissent (from the likes of Francisco "Dodong" Nemenzo) and straight sycophancy. A little over a year later, Imelda would be given an honorary doctorate by UP.

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Confidential

Page 01 Manila 02685 270126A

70/15

Action EA-06

Info Oct-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

SP-02 PRS-01 /034 W

----- 027504

R 250729Z Feb 76 corrected copy for MCN

FM AMEmbassy Manila

To SecState WashDC 2483

Confidential Manila 2685

Limdis

E.I O. 11652: GDS

Tags: PFOR, RP

Subject: Imelda and the Intellectuals

- 1. February 23 Asian editor of Newsweek carries four page spread on Imelda Marcos, the result of a visit here by two editors earlier this month. Articles, which include verbatim interviews with Imelda and president, are generally favorable and Imelda likes them.
- 2. However, story contains comment attributed to "western diplomat," which says, inter alia, "the upper middle class and the

R 250729Z FEB 76 CORRECTED COPY FOR MCN FM AMEMBASSY MANILA TO SECSTATE WASHDC 2483

CONFIDENTIAL MANILA 2685

LIMDIS

E.J O. 11652: GDS TAGS: PFOR, RP

SUBJECT: IMELDA AND THE INTELLECTUALS

- 1. FEBRUARY 23 ASIAN EDITOR OF NEWSWEEK CARRIES FOUR PAGE SPREAD ON IMELDA MARCOS, THE RESULT OF A VISIT HERE BY TWO EDITORS EARLIER THIS MONTH. ARTICLES, WHICH INCLUDE VERBATIM INTERVIEWS WITH IMELDA AND PRESIDENT, ARE GENERALLY FAVORABLE AND IMELDA LIKES THEM.
- 2. HOWEVER, STORY CONTAINS COMMENT ATTRIBUTED TO "WESTERN DIPLOMAT," WHICH SAYS, INTER ALIA, "THE UPPER MIDDLE CLASS AND THE INTELLECTUALS CAN'T STAND HER." SINCE I WAS THE ONLY "WESTERN DIPLOMAT" THE NEWSWEEK EDITORS SPOKE TO, IT HAS NOT BEEN DIFFICULT FOR IMELDA TO IDENTIFY ME AS THE SOURCE, AND I HAVE NOT DENIED THE GENERAL THRUST OF THE QUOTE, EVEN THOUGH THE LANGUAGE IS NOT ENTIRELY ACCURATE.
- 3. GIVEN THIS BACKGROUND, IMELDA HASTILY ORGANIZED A
  DINNER FEBRUARY 24, TO WHICH SHE INVITED "GROUP OF
  INTELLECTUALS AND AMERICAN AMBASSADOR," IN POSH NEW
  SUBURBAN RESTAURANT. I ARRIVED JUDICIOUSLY LATE (ABOUT
  9 P.M.) TO FIND A RESTLESS GROUP OF ABOUT 30 "INTELLECTUALS,"
  WELL INTO THEIR THIRD OR FOURTH PRE-PRANDIAL LIBATION.
  THEY WERE MOSTLY PROFESSORS FROM THE UNIVERSITY OF THE
  PHILIPPINES AND WERE BEING WATCHED OVER BY TWO OF IMELDA'S

Figure 1. A copy of the declassified cable.

*Source:* US Department of State. 1976 February 25. "Imelda and the Intellectuals." Document number 1976MANILA02685, film number D760073-0310.

https://aad.archives.gov/aad/createpdf?rid=102976&dt=2082&dl=1345.

intellectuals can't stand her." Since I was the only "Western diplomat" the Newsweek editors spoke to, it has not been difficult for Imelda to identify me as the source, and I have not denied the general thrust of the quote, even though the language is not entirely accurate.

- 3. Given this background, Imelda hastily organized a dinner February 24, to which she invited "group of intellectuals and American ambassador," in posh new suburban restaurant. I arrived judiciously late (about 9 p.m.) to find a restless group of about 30 "intellectuals," well into their third or fourth pre-prandial libation. They were mostly professors from the University of the Philippines and were being watched over by two of Imelda's sheepdogs, Carmen Guerrero Nakpil and Adriano Cristobal.
- 4. About 9:30, Imelda swept in with a group of friends, all of whom identified themselves to me as "upper middle class" (except for one, who whispered that she was an oligarch). We were then disposed at a large u-shaped table, where I was seated at the center, between Imelda and Carmen Nakpil. Four "intellectuals" were seated opposite us, but as the dinner progressed, they were replaced in relays by other teams of four. Not one of them ever said a word, but all were allowed, between courses, to overhear ineffable expressions of wisdom.
- 5. Conversation opened civilly, with Imelda depreciating Bali summit, approving Nixon in China (she scoffed when I suggested we ought to invite Teng Hsiao-Ping to Washington), and eventually raising the Newsweek articles. In due course, however, it turned into a monologue, pronounced largely for the relay teams of attentive intellectuals, about the folly of pandering to the Western press, the fact that U.S. businessmen would invest in the Philippines for a profit no matter what the regime, etc. Eventually, this prose swept into the grander vistas of a queen regent expounding plans for the future of the kingdom. Universities are to be broken up and dispersed to the provinces, co-located with "sources of electric power" and new satellite population clusters are to be formed, with industrial centers of their own, cottage industries are to be eschewed as mere palliatives, agriculture is to be mechanized, but creature comforts are to be moderate, because "we Asians prefer the simple life."
- 6. During all this fascinating disquisition, several of the professors who had imbibed well were distracted by the music of the orchestra and invited some of the upper middle class ladies to dance. One distinguished [sic], but decidedly inebriated UP department head approached Imelda with the same intention. After gently carressing

[sic] her hand several times in an effort to gain her attention, he was led quietely [sic] away to the bar by one of the security men, who occupied two smaller round tables immediately adjacent to our dais. It was shortly after this event that Cristobal, apparently on the urging of other professors, approached and suggested that curfew had arrived (one a.m.).

- 7. As we broke from the table to go, Imelda, with some humor, made clear that I had failed to catch the spark of her enthusiasm by telling me that I was still obviously "not on her wavelength." I replied by saying that I thought I was fairly well tuned in to FM. She replied immediately, "here you have to be on stereo." In case I didn't get the point, Ms. Makpil [sic] observed "here we have IM, too."
- 8. Finally, remembering the intellectuals, Imelda convened them around here [sic] in a huddle for a few final words of wisdom. Then, gathering up a couple of upper middle class ladies, she swept into her limousine and sped off into the night. As I left, the intellectuals were clustered in some bewilderment on the sidewalk, while one of the security men passed among them handing out curfew passes. Newsweek missed a great vignette.

Sullivan Confidential NNN



# CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, "Mrs. Marcos Chides New Alma Mater," 19 April 1977

This document shows what happened when a close Marcos affiliate— Imelda Marcos, no less—was honored by the University of the Philippines during martial law. There was dissent, but it was swiftly silenced.

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Confidential

Page 01 Manila 05757 190504Z

Action EA-09

Info OCT-01 ISO-00 CIAE-00 DODE-00 INR-07 NSAE-00

PA-01 USIA-06 PRS-01 SP-02 PM-04 NSC-05 SS-15

DHA-02 CU-02 /055 W

——190606Z 002779 /14

R 190425Z APR 77

FM AMEmbassy Manila

To SecState WashDC 8558

Confidential Manila 5757

E.O. 11652: GDS

Tags: Pint, RP

Subject: Mrs. Marcos Chides New Alma Mater

Ref: Manila A-91, 4/14/77

- 1. Summary: the University of the Philippines has awarded Imelda Marcos an honorary degree. During commence-ment [sic] exercises the Metro Manila governor weathered a brief incident, plunging ahead with prepared speech in which she urged educated Filipinos to discard western intellectual tradition in favor of one more "thoroughly humanist". End summary.
- 2. The highlight of April 17 commencement exercises at the prestigious University of the Philippines (UP) was awarding of honorary

R 190425Z APR 77 FM AMEMBASSY MANILA TO SECSTATE WASHDC 8558

CONFIDENTIAL MANILA 5757

E.O. 11652: GDS TAGS: PINT, RP

SUBJECT: MRS. MARCOS CHIDES NEW ALMA MATER

REF: MANILA A-91, 4/14/77

- 1. SUMMARY: THE UNIVERSITY OF THE PHILIPPINES HAS
  AWARDED IMELDA MARCOS AN HONORARY DEGREE. DURING COMMENCEMENT EXERCISES THE METRO MANILA GOVERNOR WEATHERED A
  BRIEF INCIDENT, PLUNGING AHEAD WITH PREPARED SPEECH
  IN WHICH SHE URGED EDUCATED FILIPINOS TO DISCARD WESTERN
  INTELLECTUAL TRADITION IN FAVOR OF ONE MORE "THOROUGHLY
  HUMANIST". END SUMMARY.
- 2. THE HIGHLIGHT OF APRIL 17 COMMENCEMENT EXERCISES
  AT THE PRESTIGIOUS UNIVERSITY OF THE PHILIPPINES (UP) WAS
  AWARDING OF HONORARY DOCTOR OF LAWS DEGREE TO MRS. IMELDA
  MARCOS, THE FIRST WIFE OF A PHILIPPINE PRESIDENT TO BE SO HONORED.
  CONFERMENT OF DEGREE AND SUBSEQUENT COMMENCEMENT
  ADDRESS BY MRS. MARCOS WERE WITNESSED BY PRESIDENT
  MARCOS, SEVERAL DOZEN UNIVERSITY AND GOVERNMENT OFFICIALS,
  AND 3,500 GRADUATING STUDENTS AND THEIR FAMILIES. IN
  PRESENTING DEGREE, UP PRESIDENT ONOFRE CORPUS CITED
  MRS. MARCOS' VARIOUS HUMANITARIAN PROJECTS AND METRO
  MANILA LEADERSHIP LAUDED HER "FELICITIOUS TRIUMPH

Figure 1. A copy of the declassified cable.

Source: US Department of State. 1977 April 19. "Mrs. Marcos Chides New Alma Mater." Document number 1977MANILA05757, film number D770135-0228. https://aad.archives.gov/aad/createpdf?rid=87848&dt=2532&dl=1629.

doctor of laws degree to Mrs. Imelda Marcos, the first wife of a Philippine president to be so honored. Conferment of degree and subsequent commencement address by Mrs. Marcos were witnessed by president Marcos, several dozen university and government officials, and 3,500 graduating students and their families. In presenting degree, UP president Onofre Corpus cited Mrs. Marcos' various humanitarian projects and Metro Manila leadership lauded her "felicitious triumph over tradition" and "considerable elegance and luminous grace".

- 3. In commencement address, Mrs. Marcos said that although UP provided intellectual leadership for national independence, it has yet to produce new breed of leaders for the more demanding task of nation building. Exception, she said, was one UP alumnus (i.e. president Marcos) who broke with tradition to halt national's social decline. Mrs. Marcos attributed "social impoverishment" of UP intellectual elite largely to too great an adherence to the western intellectual tradition, which she characterized as "so coldly analytical as to be insensitive". Warming to theme of sensitivy [sic], Mrs. Marcos said it was this quality which had brought success to her diplomatic endeavors. Alluding to her recent Libya trip, she said, "without sensitivity, the ability to feel (sic) a situation or a person...we would have failed."
- 4. In middle of Mrs. Marcos' address, a male student somewhere in center of crowded amphitheater began shouting repeatedly Tagalog phrase meaning "enough of this". Another male voice closer to the stage could then be heard chanting (also in Tagalog) "there is no law." Student applause, timid at first, for an instant almost drowned out Mrs. Marcos, but the chanting died down as quickly as it began. (some witnesses claim at least one student was forcibly removed from amphitheater [sic].) Remainder of speech was uneventful. Only other student reaction was much cringing, slapping of foreheads, and suppressed laughter when Mrs. Marcos referred to UP as her "new alma mater".
- 5. Another noteworthy feature of graduation ceremony was pointed reference by president Corpus [sic] to U.S. human rights policy. Conferring degrees on College of Law Confidential graduates, Corpuz said, "In our country we do not violate human rights—not by making war in foreign lands nor through the manufacture and sale throughout the world of weapons and instruments of mass destruction."
- 6. Comment: Awarding of honorary degree to Mrs. Marcos, whose extravagant, overbearing style has long been bitterly criticized at UP, was taken as affront by many in the university community, and there was much brave talk about organizing some form of protest. UP

administration pushed nervously ahead, however, on theory that since the past school year was unusually quiet (see refair) now is propitious a time as any to bring Mrs. Marcos onto campus for award which she apparently has long coveted. Security was tight, with numerous intelligence operatives, many garbed in graduation gowns, scattered throughout the audience. Nevertheless, bold intrusion of Mrs. Marcos into the heartland of Philippine radicalism [sic] is indicative of Marcos' regime's confidence that they now have UP firmly under control.

Sullivan Confidential

NNN



#### APPENDIX 1.8

RESOLUTION ADOPTED BY THE UP FACULTY ASSEMBLY, SOME MEMBERS OF THE FACULTY OF THE COLLEGE OF BUSINESS ADMINISTRATION, AND THE COLLEGE OF LAW ON THE SUSPENSION OF THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS, 21 AUGUST 1971

While it may be unfair to generalize that the College of Business Administration and the College of Law as traditionally conservative, it is interesting to highlight how their faculty members reacted, in the form of written resolutions, to Marcos's most significant utilization of his constitutional police powers before declaring martial law—the suspension of the privilege of the writ of habeas corpus on 21 August 1971. In comparison to the stand of the other colleges and the UP Faculty Assembly, the resolution of the College of Business Administration was rather tame. It gave Marcos the benefit of the doubt ("allow such proofs to stand the test of our courts"). In a similar vein, the College of Law's resolution starts by acknowledging that the constitution allows the president to order the writ's suspension, but urges him to lift it mainly to calm an already agitated citizenry, thereby performing "a redeeming act of statesmanship."

### RESOLUTION ADOPTED BY THE UP FACULTY ASSEMBLY

UNIVERSITY OF THE PHILIPPINES

Quezon City U.P. Faculty Assembly Condemns Writ Suspension Demands Immediate Lifting

Gravely concerned over the alarming situation brought about by Proclamation No. 889 by the President of the Philippines suspending the privilege of the writ of habeas corpus;

## Resolution Adopted by the U.P. Faculty Assembly

## UNIVERSITY OF THE PHILIPPINES

Quezon City
U.P. Faculty Assembly
Condemns Writ Suspension
Demands Immediate Lifting

Gravely concerned over the alarming situation brought about by Proclamation No. 889 by the President of the Philippines suspending the privilege of the writ of habeas corpus;

Noting the resolutions and statements adopted by the faculties of the various colleges and units of the University, as well as the letter-memorandum addressed by University President Salvador P. Lopez to the President of the Philippines;

The THIRD FACULTY ASSEMBLY of the University of the Philippines

- 1. Unites with all other sectors of the nation in protest against this invasion of civil liberties;
- 2. Endorses the position taken in the above-mentioned resolutions, statements and letter-memorandum;
- 3. Condemns the suspension of the privilege of the writ of habeas corpus; and
- 4. Demands the immediate lifting thereof.

Approved as amended on 3 September 1971.

Figure 1. A copy of the resolution adopted by the UP Faculty Assembly. Source: UP Gazette. 1971. "Resolution Adopted by the UP Faculty Assembly." UP Gazette, September 30: 133. Noting the resolutions and statements adopted by the faculties of the various colleges and units of the University, as well as the lettermemorandum addressed by University President Salvador P. Lopez to the President of the Philippines;

The THIRD FACULTY ASSEMBLY of the University of the Philippines

- 1. Unites with all other sectors of the nation in protest against this invasion of civil liberties;
- 2. Endorses the position taken in the above-mentioned resolutions, statements and letter memorandum;
- 3. Condemns the suspension of the privilege of the writ of habeas corpus; and
- 4. Demands the immediate lifting thereof.

Approved as amended on 3 September 1971

#### Source

UP Gazette. 1971. "Resolution Adopted by the UP Faculty Assembly." UP Gazette, September 30: 133.

# RESOLUTION ADOPTED BY 16 MEMBERS OF THE FACULTY OF THE COLLEGE OF BUSINESS ADMINISTRATION, RE: THE SUSPENSION OF THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN 1971

We view with deep apprehension the suspension of the privilege of the writ of habeas corpus by President Marcos. His action has heightened the tension during the period when sobriety and calm are most needed.

We view with deep anxiety the possibility that such a suspension may stifle the opposition's voice, be it that of a businessman, a cleric or a student, because of fear of eventual arrest.

We view with deep concern the actuations of President Marcos which tend to make a scapegoat of the national democratic movement for the faults of our society and of the Marcos administration.

We urge the President, if he has the necessary proofs which he seems to imply he has, to allow such proofs to stand the test of our courts. We urge all citizens to join us in strongly urging the lifting of the suspension of the writ of habeas corpus.

#### Source

UP Gazette. 1971. "Resolution Adopted by the UP Faculty Assembly." UP Gazette, September 30: 136.

# RESOLUTION ADOPTED BY SOME MEMBERS OF THE FACULTY OF THE COLLEGE OF LAW

We, the undersigned members of the faculty of the University of the Philippines, gravely concerned over the suspension of the privilege of the writ of habeas corpus and the threat it poses to other fundamental rights, urge the President to lift the suspension.

We acknowledge that the constitution vests in him the power to order the suspension in case of insurrection or rebellion when the public safety requires it although we can endlessly argue over the motivation, necessity, wisdom and propriety of that suspension.

We are aware that even now the exercise of this power is being challenged before the Supreme Court and is the subject of unrelenting debate before the bar of public opinion.

We note the apprehension of abuse in the implementation of the proclamation of suspension and the precautions taken to allay fears of and prevent abuse.

We believe that taking into account what the suspension has so far accomplished and what the continued suspension exacts in terms of confusion, recrimination, apprehension if not panic in an already unsettled and disillusioned society, the privilege of the writ should be restored.

We believe that even without the exercise of extraordinary powers like the suspension, the concentration of consitutional powers in the President affords other alternatives towards the protection of public safety.

We believe even more that by zealously safeguarding the civil liberties of the people a government exists on the firm foundations of their trust and support.

We therefore call upon our President to exercise a redeeming act of statesmanship by forwith lifting the suspension of the privilege of habeas corpus and arresting divisive forces that have been aggravated by the suspension.

#### Source

UP Gazette. 1971. "Resolution Adopted by the UP Faculty Assembly." UP Gazette, September 30:133-34.



#### APPENDIX 1.9

#### FERDINAND E. MARCOS ON AGRARIAN REFORM

Marcos and his loyalists highlight Presidential Decree 2 and PD 27 repeatedly. The latter appears in books attributed to him such as the "popular edition" of Revolution from the Center: How the Philippines Is Using Martial Law to Create a New Society (1978) to more recent books such as Let the Marcos Truth Prevail (c2004). A copy of the decree is exhibited at the museum known as the Ferdinand E. Marcos Presidential Center in Batac, Ilocos Norte. In all of the aforementioned, the decree is shown to have been executed in Marcos's own handwritingremarkably error-free. It is the Marcosian decalogue (albeit the total number of [unnumbered] paragraphs in the decree is eleven). But while the prohibitions that were handed down on Mount Sinai were uniformly clear, some sections of PD 27 were sufficiently vague to allow various interpretations—up to when was "now" in "will now cultivate it"? Moreover, as shown by Eduardo Tadem, and others before him such as Benedict Kerkvliet (in Sanidad 1979, 335), since the law restricted agrarian reform to land "primarily devoted to rice and corn," coconut, banana, and sugar plantations (which would later be monopolized by Marcos cronies) were excluded. PD 27 was further limited by Letter of Instruction No. 143, s. 1973, which in effect legitimized shareholding deals among certain "small landowners" (the majority, in fact, as per the letter of instruction itself) and their tenant(s), wherein profits would be divided based on their "participation." Small wonder that that issuance is not featured at all in pro-Marcos propaganda.

#### Reference

Sanidad, Arno. 1979. "Facade Democracy: Martial Law and the Myth of Democracy." *Philippine Law Journal* 54(3): 313–44.

Tenant Emancipation Decree in Mr. Marcos' own handwriting, 1972.



## Letter of Instruction No. 143, s. 1973

Signed on October 31, 1973

#### MALACAÑANG MANILA

#### LETTER OF INSTRUCTIONS NO. 143

TO:	Secretary Alejandro Melchor Executive Secretary
	Secretary Conrado Estrella Department of Agrarian Reform
	Secretary Cesar Virata Department of Finance
	Secretary Arturo S. Tanco, Jr. Department of Agriculture & Natural Resources (The Director, Bureau of Agricultural Extension)
	Governor Gregorio Licaros Central Bank of the Philippines
	Mr. Basilio Estanislao President, Land Bank
	Secretary Jose Roño Department of Local Governments & Community Development
	(Undersecretary Orlando Sakay Undersecretary for Cooperatives
	Undersecretary Rosendo Marquez Undersecretary for Community Development)

WHEREAS, I have repeatedly given instructions for the speedy implementation of Presidential Decree No. 27, otherwise known as the Tenant's Emancipation Act, which extended land reform program to the small landholdings devoted principally to rice and corn and tilled by tenant-farmers;

WHEREAS, surveys undertaken by the government show that 95.4% of our landowners are among those holding less than 12 hectares and that 69.9% of our tenant-farmers are tillers in these small landholdings of less than 12 hectares;

WHEREAS, the government, although eager to implement a program of land reform by extending its operations to these small landholdings has been conscious as well of the fact that these landowners holding small parcels of land constitute part of the economic middle class, which we are trying to build and therefore deserve as much consideration as the tenants themselves;

WHEREAS, for this reason studies have been continuing in order not to create an economic dislocation whereby while we are helping the tenants we are impoverishing this particular group of landowners;

#### Figure 2. A screenshot from the Official Gazette.

*Source:* President of the Philippines. 1973. "Letter of Instruction No. 143, s. 1973." Republic of the Philippines. http://www.officialgazette.gov.ph/1973/10/31/letter-of-instructions-no-143-s-1973.

# PRESIDENTIAL DECREE NO. 2

#### PROCLAIMING THE ENTIRE COUNTRY AS A LAND REFORM AREA.

WHEREAS, there is pressing need to accelerate the Agrarian Reform Program of the Government for the early attainment of the objectives set forth in Republic Act No. 3844, as amended;

WHEREAS, among such objectives is to achieve dignified existence for the small farmers free from the permicious institutional restraints and practices which have not only retarded the agricultural development of the country but have also produced widespread discontent and unrest among our farmers, one of the causes of the existing national smergency; and

WHEREAS, it is believed that the lasting objectives of land reform may be sooner realized if the whole country is declared a land reform area;

NOW, THEREFORE, I, FERDINAND E: MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1; dated September 22, 1972, as amended, whereby I have assumed direction of the operation of the entire Government, do hereby proclaim the whole country as land reform area.

All agencies and offices of the Government are enjoined to extend full cooperation and assistance to the Department of Agrarian Reform to insure the successful prosecution of the Agrarian Reform Program.

The Agrarian Reform Coordinating Council created under Executive Order No. 347, series of 1971, is hereby directed to convene immediately to exercise its functions.

The Secretary of Agrarian Reform shall take the necessary steps for the prompt and effective implementation of this decree.

Done in the City of Manila, this 26th day of September in the year of Our Lord, nineteen hundred and seventy-two.

SGD) FERDINAND E. WARCOS
President
Republic of the Philippines

## Presidential Decree No. 27, s. 1972

Decreeing the Emancipation of Tenants from the Bondage of the Soil, Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanism Therefor

Signed on October 21, 1972

In as much as the old concept of land ownership by a few has spawned valid and legitimate grievances that gave rise to violent conflict and social tension,

The redress of such legitimate grievances being one of the fundamental objectives of the New Society,

Since Reformation must start with the emancipation of the tiller of the soil from his bondage,

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended do hereby decree and order the emancipation of all tenant farmers as of this day, October 21, 1972:

This shall apply to tenant farmers of private agricultural lands primarily devoted to rice and corn under a system of sharecrop or leasetenancy, whether classified as landed estate or not;

The tenant farmer, whether in land classified as landed estate or not, shall be deemed owner of a portion constituting a family-size farm of five (5) hectares if not irrigated and three (3) hectares if irrigated;

In all cases, the landowner may retain an area of not more than seven (7) hectares if such landowner is cultivating such area or will now cultivate it;

For the purpose of determining the cost of the land to be transferred to the tenant-farmer pursuant to this Decree, the value of the land shall be equivalent to two and one-half (2 1/2) times the average harvest of three normal crop years immediately preceding the promulgation of this Decree;

The total cost of the land, including interest at the rate of six (6) per centum per annum, shall be paid by the tenant in fifteen (15) years of fifteen (15) equal annual amortizations;In case of default, the amortization due shall be paid by the farmers' cooperative in which the defaulting tenant-farmer is a member, with the cooperative having a right of recourse against him;

The government shall guaranty such amortizations with shares of stock in governmentowned and government-controlled corporations;

No title to the land owned by the tenant-farmers under this Decree shall be actually issued to a tenant-farmer unless and until the tenantfarmer has become a full-fledged member of a duly recognized farmer's cooperative;

Title to land acquired pursuant to this Decree or the Land Reform Program of the Government shall not be transferable except by hereditary succession or to the Government in accordance with the provisions of this Decree, the Code of Agrarian Reforms and other existing laws and regulations;

The Department of Agrarian Reform through its Secretary is hereby empowered to promulgate rules and regulations for the implementation of this Decree.

All laws, executive orders, decrees and rules and regulations, or parts thereof, inconsistent with this Decree are hereby repealed and or modified accordingly.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and seventy-two.

#### FERDINAND E. MARCOS

## Letter of Instruction No. 143, s. 1973

Signed on October 31, 1973 Malacañang Manila

To Secretary Alejandro Melchor Executive Secretary

Secretary Conrado Estrella Department of Agrarian Reform

Secretary Cesar Virata Department of Finance

Secretary Arturo S. Tanco, Jr. Department of Agriculture & Natural Resources (The Director, Bureau of Agricultural Extension) Governor Gregorio Licaros Central Bank of the Philippines

Mr. Basilio Estanislao President, Land Bank

Secretary Jose Roño
Department of Local Governments & Community Development

(Undersecretary Orlando Sakay Undersecretary for Cooperatives

Undersecretary Rosendo Marquez
Undersecretary for Community Development)

WHEREAS, I have repeatedly given instructions for the speedy implementation of Presidential Decree No. 27, otherwise known as the Tenant's Emancipation Act, which extended land reform program to the small landholdings devoted principally to rice and corn and tilled by tenant-farmers;

WHEREAS, surveys undertaken by the government show that 95.4% of our landowners are among those holding less than 12 hectares and that 69.9% of our tenant-farmers are tillers in these small landholdings of less than 12 hectares;

WHEREAS, the government, although eager to implement a program of land reform by extending its operations to these small landholdings has been conscious as well of the fact that these landowners holding small parcels of land constitute part of the economic middle class, which we are trying to build and therefore deserve as much consideration as the tenants themselves:

WHEREAS, for this reason studies have been continuing in order not to create an economic dislocation whereby while we are helping the tenants we are impoverishing this particular group of landowners;

WHEREAS, under Presidential Decree No. 27, the mode of payment specified calls for payment by the tenant-farmers to the landowners the total cost of the land, including interest at the rate of six (6) percentum per annum in fifteen (15) years in fifteen (15) equal annual amortizations;

WHEREAS, under Presidential Decree No. 251, other modes of payment have been provided, namely:

- "1. Cash payment of 10% and balance in 25-year tax- free 6% Land Bank bonds;
- "2. Payment of 30% in preferred shares of stock issued by the bank and balance in 25-year tax-free 6% Land Banks bonds;
- "3. Full guarantee on the payment of the fifteen (15) equal annual amortizations to be made by the tenant/farmer;
- "4. Payment through the establishment of annuities or pensions with insurance;
- "5. Exchange arrangement for government stocks in government-owned or controlled corporations or private corporations where the government has holdings;
- "6. Such other modes of settlement as may be further adopted by the Board of Directors and approved by the President of the Philippines."

WHEREAS, it is my earnest desire that the actual tillers of the land, the tenant-farmers, shall be the actual owners of the land tilled by them soonest, but at the same time the small landowners shall not be impoverished by depriving them of their land which may be their only source of income, and if deprived should receive the assistance of the government;

NOW, THEREFORE, and in view of my earnest desire to implement fully the Land Reform Program as set forth in Presidential Decree No. 27, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, hereby prescribe the following policies or guidelines in the implementation of land reform program, especially with respect to the small landholdings:

(1) That as a basic policy, the actual tillers of the land, the tenant-farmers, in agricultural land principally devoted to rice and corn production, shall be the actual owners of the land tilled by them; subject to the following guidelines:

- (a) That in pursance of this policy the absentee landowners shall transfer to their tenants their landholdings regardless of area, no matter how small; and
- (b) That the absentee landowners shall be compelled to do so if they (the absentee landowners) are found to have a source of income other than their landholdings or landholdings.
- (2) In determining who is an absentee landlord, the Department of Agrarian Reform shall ascertain if the absence of such landlord is on account of circumstances beyond his control such as having been driven from the land by fortuitous circumstances or forces beyond his control, services in the Armed Forces of the Philippines or other branches of the government.
  - (a) If the absentee landowner falling under this category has been actually tilling the land before being compelled to abandon the tilling of the land as provided in the immediately preceding paragraph, then he shall not be considered an absentee landlord as referred to in this Letter of Instructions;
  - (b) If in the apportionment of the land according to Presidential Decree No. 27, which reserves 7 hectares for the landowner if he tills part of his landholdings or intends to till part thereof, and allocates an area not exceeding 5 hectares for the tenant-farmer, if the land is not irrigated, and 3 hectares if irrigated, there will not be enough land to be allocated to the tenant or tenants in the same landholding, the Government shall encourage the organization or establishment of a cooperative composed of both the landowner himself and his tenant or tenants with the income from said land apportioned by them in accordance with their respective participation in its cooperative effort.

In order to ensure immediate implementation of these policies and guidelines, I direct the Executive Secretary, the Secretary of the Department of Agrarian Reform, the Secretary of the Department of Finance, the Secretary of Agriculture and Natural Resources, the Governor of the Central Bank, the President of the Land Bank, the Secretary of the Department of Local Governments and Community Development, the Undersecretary for Cooperatives and the Undersecretary for Community Development and all other agencies of the government whose cooperation is considered necessary by the Secretary of Agrarian Reform and the Agrarian Reform Fund Council to conduct an immediate survey which shall, among others, determine:

- (1) The absentee landowners as envisioned in this Letter of Instructions;
- (2) The absentee landowners with no other source of income and those with the other source of income;
- (3) The absentee landowners who have a history of tilling their own landholdings but were compelled to abandon their farming activities in view of circumstances beyond their control and as specified in this Letter of Instructions;
- (4) Those landholdings where the organization of a cooperative composed of the landowner and his tenant or tenants is the most feasible measure to resolve conflicting interests of landowner and tenant-farmer;
- (5) Those landholdings or portions thereof in which the landowner may have a strong emotional attachments for having been the site of his home or ancestral home of the landowner:
- (6) How many of these absentee landowners are in the government service;
- (7) How many of these landowners are retirees from the government service or from employment in private firms.

#### You will likewise ascertain:

- (1) Whether or not the 6% per annum income from agricultural rice and corn land as earlier reported is in fact the actual earning from these lands;
- (2) Whether or not there has been an increase in production in areas where the land reform program has been

implemented, in general, and specifically in the small landholdings.

The term "small landholdings" as used in this Letter of Instructions shall mean landholdings of 24 hectares and less than 24 hectares.

Pilot areas shall be established, preferably in one town in Nueva Ecija, one town in Pangasinan, one town in the Ilocos Region and in other municipalities in other provinces where the group may deem it necessary.

The Executive Secretary shall convene a meeting of the officials specified herein immediately to implement these instructions and a report will be submitted to me with the recommendations before the end of November, 1973.

DONE in the City of Manila, this 31st day of October, in the year of Our Lord, Nineteen Hundred and Seventy-Three.

(SGD.) FERDINAND E. MARCOS President Republic of the Philippines



#### APPENDIX 2.1

### CELSA HILAO, ET AL. V. ESTATE OF FERDINAND E. MARCOS

Getting an "authentic" copy of this judgement online is difficult. The following was reproduced from a copy uploaded by columnist/blogger Tonyo Cruz. Another (HTML) copy can be found in the blog Martial Law Files: A History of Resistance (martiallawfiles.wordpress.com/class-suit/hawaii-civil-class-suit-vs-the-estate-of-marcos-1986/final-judgement-january-27-1995). Counter-checking the fidelity of these reproductions was done by looking at an authentic-looking "offline" copy, found in the cumbersome pro-Marcos tome Let the Marcos Truth Prevail. This is how the book's unknown editors/compilers described the decision: "Final Judgment of Judge Manuel Real for compensatory damages to some 10,000 human rights claimants without giving a chance for the defendant Estate of Ferdinand Marcos to present and rebut plaintiff's evidences in gross violation of due process" (emphasis his/her/theirs) (c2004, 297). However, as appendix 2.3 shows, that was not the case.

Reference

[Marcos, Imelda? comp.]. c2004. Let the Marcos Truth Prevail. n.p.: n.p.

## ROBERT A. SWIFT, ESQ.

Kohn, Nast & Graf, P.C., 2400 One Rexading Center, 1101 Market Street, Philadelphia, PA19107, Telephone No.: (215) 238-1700 Lead Counsel for Plaintiffs

## SHERRY P. BRODER, ESQ. #1880

Grosvenor Center, Suite 1800, 733 Bishop Street, Honolulu, Hawaii 96813, Telephone No.: (808) 531-1411 Liaison Counsel for Plaintiffs IN THE UNITED STATES DISTRICT COURT, DISTRICT OF HAWAII

IN RE: ESTATE OF FERDINAND E. MARCOS HUMAN RIGHTS LITIGATION

#### ROBERT A. SWIFT, ESQ.

Kohn, Nast & Graf, P.C., 2400 One Reading Center, 1101 Market Street, Philadelphia, PA 19107, Telephone No.: (215) 238-1700

Lead Counsel for Plaintiffs

#### SHERRY P. BRODER, ESQ. #1880

Grosvenor Center, Suite 1800, 733 Bishop Street, Honolulu, Hawaii 96813, Telephone No.: (808) 531-1411

Liaison Counsel for Plaintiffs

#### IN THE UNITED STATES DISTRICT COURT, DISTRICT OF HAWAII

IN RE: ESTATE OF FERDINAND E. MARCOS HUMAN RIGHTS LITIGATION

CELSA HILAO, et. Al., Plaintiffs, v. ESTATE OF FERDINAND E. MARCOS, Defendant

MDL No. 840, C.A. NO. 86-0390

#### FINAL JUDGMENT

This action came on for trial before the Court and a jury, the Honorable Manuel L. Real, presiding, and the issues having been tried, and the jury having rendered its verdict on liability and damages,

The Court enters final judgment pursuant to FRCP 58 in favor of 135 randomly selected Class Claims and the plaintiff Class in accordance with the unanimous verdicts of the jury on September 24, 1992, February 23, 1994 and January 18, 1995 and the Court's Judgment on Liability as follows:

- 1) The Court incorporates herein its Judgment on Liability entered October 20, 1992 and its Order entered December 17, 1992 denying defendant's posttrial motions re liability.
- 2) Judgment for compensatory damages is entered for the below named randomly selected class

#### Figure 1. A copy of the case.

Source: United States District Court, District of Hawaii. 1995. "Celsa Hilao, et. al., Plaintiffs, v. Estate of Ferdinand E. Marcos, Defendant." MDL No. 840, C.A. No. 86-0390. https://www.scribd.com/document/49318184/Final-Judgment-Hilao-et-al-vs-Marcos.

# CELSA HILAO, ET AL., PLAINTIFFS, V. ESTATE OF FERDINAND E. MARCOS, DEFENDANT

MDL No. 840, C.A. NO. 86-0390 FINAL JUDGMENT

This action came on for trial before the Court and a jury, the Honorable Manuel L. Real, presiding, and the issues having been tried, and the jury having rendered its verdict on liability and damages,

The Court enters final judgment pursuant to FRCP 58 in favor of 135 randomly selected Class Claims and the plaintiff Class in accordance with the unanimous verdicts of the jury on September 24, 1992, February 23, 1994 and January 18, 1995 and the Court's Judgment on Liability as follows:

- The Court incorporates herein its Judgment on Liability entered October 20, 1992 and its Order entered December 17, 1992 denying defendant's post trial motions re liability.
- 2) Judgment for compensatory damages is entered for the below named randomly selected class clajrns [sic] as follows:

Torture Subclass (List of plaintiffs follows)

Summary Execution Subclass (List of plaintiffs follows)

Disappearance Subclass (List of plaintiffs follows)

- 3) Judgment for compensatory damages is entered for the remaining members of the Plaintiff class as follows:
  - a) for the remaining Plaintiff subclass of all current citizens of the Republic of the Philippines, their heirs and beneficiaries, who between September 1972 and February1986 were tortured while in the custody of the Philippine military or para-military groups in the aggregate of \$251,819,811.00, to be divided pro rata.
  - b) for the remaining Plaintiff Subclass of all current citizens of the Republic of the Philippines, their heirs and beneficiaries, who between September 1972 and February1986 were summarily executed

- while in the custody of the Philippine military or para-military groups in the aggregate of \$409,191,760.00 to be divided pro rata.
- c) for the remaining Plaintiff Subclass of all current citizens of the Republic of the Philippines, their heirs and beneficiaries, who between September 1972 and February 1986 disappeared (and are presumed dead) while in the custody of the Philippine military or para-military groups in the aggregate of \$94,910,640.00 to be divided pro rata.
- 4) Judgment for exemplary damages, to make an example for the public good, is entered in the aggregate of \$1,197,227,417.90 to be divided pro rata among all members of the Plaintiff class.
  - (The following judgment-No. 5-has been crossed-out with the signature of Judge Real from the original document and presumed deleted)
- 5) Judgment for prejudgment interest at the rate of 10% per annum is entered on the compensatory damage award of \$766,778,442.00 from the date the Class Complaint filed, April 7, 1986, until the date final judgment is entered, to be divided pro rata among all member of the Plaintiff Class. The Court finds that prejudgment interest is necessary to compensate plaintiffs for the diminution in their award due to the significant lapse of time between their injuries and the entry of judgment, the effects of inflation, and the devaluation of the Philippine Peso relative toto [sic] the US dollar. The Court further finds that Hawaiian law authorizes prejudgment interest for personal injury awards at 10% per annum; that the manifest objectives of international law are served by making human rights victims whole for their injuries; that the Torture Victim Protection Act does not address this point; that Philippine law, by authorizing prejudgment interest in certain circumstances, is not offended by the award of interest

- for jus cogens violations of international law; and that the law of Hawaii, where Ferdinand E. Marcos resided between 1986 and 1989, is the appropriate law to apply on this point.
- 6) Pursuant to FRCP 54(d)(2)(B), the Court orders that Class Plaintiffs (and their attorneys') claim for counsel fees and their submission in support thereof be deferred and postponed until further order of the Court.
- 7) Pursuant to FRCP 54(d)(1), Class Plaintiffs are awarded costs previously taxed by the Clerk together with such costs incurred since then as the Clerk may tax.
- 8) Plaintiffs' Motion to Amend the Pleadings is granted, and Count 2 of the Consolidated Amended Complaint is deemed amended to state a claim for relief for a permanent injunction.
- 9) Plaintiffs' Motion for Entry of a Permanent Injunction is granted.
  - a) The Court finds, based upon all evidence submitted in this litigation:
    - (1) Plaintiffs have succeeded on the merits of this litigation and the judgment herein exceeds the assets of the defendant Estate, both the amount admitted by the defendant and the amount proved by Plaintiffs.
    - (2) Beginning as early as 1968, Ferdinand F. Marcos and Imelda R. Marcos established secret bank accounts under alias names and the use of Liechtenstein foundations in various countries with banking secrecy laws, including Switzerland.
    - (3) Ferdinand and Imelda Marcos engaged in a sophisticated pattern and practice of secreting their assets, periodically laundering those assets in various countries, and re-depositing the monies in Swiss bank accounts in the names of multiple Liechtenstein foundations.

- (4) Federal courts have twice enjoined the transfer of Marcos assets finding a pattern and practice of secreting their assets, and the courts of appeals have thrice affirmed the injunctions. See Hilao v. Estate of Ferdinand Marcos, 25F.3d 1467 (9<sup>th</sup> Cir. 1994), cert. denied \_\_\_ U.S. \_\_\_ (1/23/95); Republic of the Philippines v. Marcos, 862 F.2d 344 (2<sup>nd</sup> Cir. 1986).
- (5) Irnelda [sic] Marcos and Ferdinand R. Marcos, the substituted legal representatives of the Estate, have never opened a probate proceeding, and opposed the opening of involuntary probate proceedings in the United States and the Philippines.
- (6) This Court previously found the deposition testimony of Imelda Marcos evasive as regards the amount and location of Estate assets.
- (7) There is a probability that the Estate has assets other than the foreign bank accounts identified by the Estate's legal representatives.
- (8) Imelda Marcos refused to consent to the disclosure of documents in the possession of Swiss banks.
- (9) Imelda Marcos collaterally attacked in Switzerland this Court's letters rogatory addressed to Swiss authorities requesting documents from Swiss banks.
- (10) Credit Suisse and Swiss Bank Corporation were served with subpoenas in New York as ordered by this Court, but failed to produce any documents regarding Estate accounts in Switzerland.
- (11) Imelda Marcos has vigorously defended this litigation and paid millions of dollars in legal fees.

- (12) After issuance of the Preliminary Injunction in this litigation, Imelda Marcos and Ferdinand R. Marcos, on behalf of the Estate, entered into two agreements with the Republic of the Philippines in June 1992 to transfer and split all the assets of the Estate.
- (13) The Republic of the Philippines has no judgment against the Estate, but has possession of millions of dollars of assets owned by or in which the Estate has an interest.
- (14) Because the Plaintiffs' judgment exceeds the assets of the Estate, the heirs and beneficiaries of the Estate have no expectation of receiving any monies therefrom.
- (15) Credit Suisse and Swiss Bank Corporation continue to hold several hundred million dollars in accounts owned by or in which the Estate has an interest.
- (16) The Republic of the Philippines is in privity of contract and acting inconcert with the Estate to transfer and splIt [sic] the assets of the Estate.
- (17) Credit Suisse and Swiss Bank Corporation are agents and representatives of the Estate.
- (18) The Republic of the Philippines is an agent, representative, aider or a bettor of the Estate.
- (19) The defendant Estate, its legal representatives, Credit Suisse, Swiss Bank Corporation and the Republic of the Philippines received notice of the hearing for permanent injunction and had an opportunity to participate and present evidence.
- (20) There is a substantial likelihood that the Marcoses' pattern and practice of transferring and secreting assets will continue and prevent the satisfaction of the judgment herein unless a permanent injunction is entered.

- (21) The Plaintiffs have no adequate remedy at law.
- b) The defendant Estate, and its agents, representatives, aiders and abettors are, until satisfaction of the judgment herein, permanently enjoined and restrained from directly or indirectly:
  - (1) transferring, conveying, encumbering, dissipating, converting, concealing, or otherwise disposing of in any manner any funds, assets, claims or other property or assets owned actually, equitably or beneficially by, or in the possession or custody of or held by or in any way on behalf of or for the benefit of the Estate of Ferdinand F. Marcos; and
  - (2) destroying, mutilating, concealing, transferring, altering or otherwise disposing of in any manner any books, records, computer programs, computer files, computer printouts, correspondence, memoranda, brochures, or any other documents of any kind, or pertaining in any manner to Ferdinand Marcos, the Estate of Ferdinand Marcos or its representatives, except to their attorneys or incompliance with orders of this Court.
- c) Non-parties Credit Suisse, Swiss bank [sic] Corporation and the Republic of the Philippines are identified to this permanent injunction as agents, representatives, aiders or abettors of the defendant Estate and subject to its terms.
- d) Plaintiffs' counsel may serve this permanent injunction upon legal counsel for the Defendant Estate, it appearing that the estate's [sic] legal representatives are currently outside the United States, as follows:
  - (1) on Imelda R. Marcos by service on her attorney Lex Smith by hand or facsimile; and

- (2) on Ferdinand R. Marcos by service on his attorneys John Bartko by certified mail or facsimile.
- 10) Any monies collected by settlement or execution on judgments entered in any of the MDL840 cases against the defendant Estate shall be held and disbursed as directed by the Court.
- 11) Pursuant to FRCP 23, the Court retains continuing jurisdiction over the Motion for Contempt, the Permanent Injunction, settlement, the distribution of any monies collected by settlement or execution, the determination of counsel fees, and any other matters as may properly come before the Court.

DATED: January 27, 1995 (Sgd.) MANUEL L. REAL, MDL 840 Transferee Judge (Filed in the United States District Court, District of Hawaii February 3, 1995.)



#### APPENDIX 2.2

# REPUBLIC ACT 10368, "Human Rights Victims Reparation and Recognition Act of 2013"

Could this have been enacted had the president been anyone other than Benigno "Novnov" Aquino III? The sponsors of the House bill that eventually became this act (House Bill 5990) can be classified into three groups: a) Lorenzo R. Tañada III, Edcel C. Lagman, Rene L. Relampagos, and Jose Emilio A. Abaya, members of the Liberal Party, which was the party of both Benigno "Ninoy" Aguino Jr. and his son Noynoy; b) Walden F. Bello and Kaka J. Bag-ao, members of the Akbayan Citizens' Action Party, or the "rejectionist" left, which had formed an alliance with the Liberal Party during the 2010 elections; and c) Teddy A. Casiño, Neri J. Colmenares, Rafael V. Mariano, Luzviminda C. Ilagan, Antonio L. Tinio, Emerenciana "Emmi" A. de Jesus, and Raymond V. Palatino, members of the Makabayan bloc of partylist representives, or the "reaffirmist" left. The Senate counterpart bill (Senate Bill No. 3334) was co-authored by three Liberal Party senators—Sergio Osmenña III, Teofisto Guingona III, and Franklin M. Drilon-and Francis Joseph "Chiz" G. Escudero, who was an independent since late 2009 and supported Noynoy Aquino during the 2010 elections. The law makes it official state policy to "recognize the heroism and sacrifices of all Filipinos" who suffered particular human rights violations from 21 September 1972 to 25 February 1986, but also entitles victims of violations committed a month before and a month after that defined timeframe to reparations under certain conditions. RA 10368 also states that those recognized as human rights violation victims or HRVVs (within the previously mentioned timeframe) by the Bantayog ng mga Bayani Foundation—a private entity whose founding chairman was Liberal Party stalwart Jovito R. Salonga-are to be given "conclusive presumption" that they are HRVVs as defined by the act. The specification of the timeframe is a feature found in both the House and Senate versions, while highlighting Bantayog is a Senate insertion, though in the Senate bill, Bantayog is not given an exclusive role among nongovernmental organizations.

H. No. 5990 S. No. 3334

## Republic of the Philippines Congress of the Philippines Metro Manila

Fifteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

## [REPUBLIC ACT NO.10363]

ANACT PROVIDING FOR REPARATION AND RECOGNITION
OF VICTIMS OF HUMAN RIGHTS VIOLATIONS
DURING THE MARCOS REGIME, DOCUMENTATION
OF SAID VIOLATIONS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

#### CHAPTER I

## PRELIMINARY PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Human Rights Victims Reparation and Recognition Act of 2013".

Figure 1. A copy of Republic Act No. 10368.

*Source:* Republic of the Philippines. 2013. "Republic Act No. 10368, Human Rights Victims Reparation and Recognition Act of 2013." http://www.officialgazette.gov.ph/downloads/2013/02feb/20130225-RA-10368-BSA.pdf.

## REPUBLIC ACT No. 10368

An Act Providing for Reparation and Recognition of Victims of Human Rights Violations during the Marcos Regime, Documentation of Said Violations, Appropriating Funds Therefor and for Other Purposes

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

## Chapter I Preliminary Provisions

SECTION 1. Short Title. – This Act shall be known as the "Human Rights Victims Reparation and Recognition Act of 2013".

SEC. 2. Declaration of Policy. — Section 11 of Article II of the 1987 Constitution of the Republic of the Philippines declares that the State values the dignity of every human, person and guarantees full respect for human rights. Pursuant to this declared policy, Section 12 of Article III of the Constitution prohibits the use of torture, force, violence, threat, intimidation, or any other means which vitiate the free will and mandates the compensation and rehabilitation of victims of torture or similar practices and their families.

By virtue of Section 2 of Article II of the Constitution adopting generally accepted principles of international law as part of the law of the land, the Philippines adheres to international human rights laws and conventions, the Universal Declaration of Human Rights, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment which imposes on each State party the obligation to enact domestic legislation to give effect to the rights recognized therein and to ensure that any person whose rights or freedoms have been violated shall have an effective remedy, even if the violation is committed by persons acting in an official capacity. In fact, the right to a remedy is itself guaranteed under existing human rights treaties and/or customary international law, being peremptory in character (jus cogens) and as such has been recognized as non-derogable.

Consistent with the foregoing, it is hereby declared the policy of the State to recognize the heroism and sacrifices of all Filipinos who were victims of summary execution, torture, enforced or involuntary disappearance and other gross human rights violations committed during the regime of former President Ferdinand E. Marcos covering the period from September 21, 1972 to February 25, 1986 and restore

the victims' honor and dignity. The State hereby acknowledges its moral and legal obligation to recognize and/or provide reparation to said victims and/or their families for the deaths, injuries, sufferings, deprivations and damages they suffered under the Marcos regime.

Similarly, it is the obligation of the State to acknowledge the sufferings and damages inflicted upon persons whose properties or businesses were forcibly taken over, sequestered or used, or those whose professions were damaged and/or impaired, or those whose freedom of movement was restricted, and/or such other victims of the violations of the Bill of Rights.

SEC. 3. *Definition of Terms.* — The following terms as used in this Act shall mean:

- (a) Detention refers to the act of taking a person into custody against his will by persons acting in an official capacity and/or agents of the State.
- (b) *Human rights violation* refers to any act or omission committed during the period from September 21, 1972 to February 25, 1986 by persons acting in an official capacity and/or agents of the State, but shall not be limited to the following:
  - (1) Any search, arrest and/or detention without a valid search warrant or warrant of arrest issued by a civilian court of law, including any warrantless arrest or detention carried out pursuant to the declaration of Martial Law by former President Ferdinand E. Marcos as well as any arrest, detention or deprivation of liberty carried out during the covered period on the basis of an "Arrest, Search and Seizure Order (ASSO)", a "Presidential Commitment Order (PCO)" or a "Preventive Detention Action (PDA)" and such other similar executive issuances as defined by decrees of former President Ferdinand E. Marcos, or in any manner that the arrest, detention or deprivation, of liberty was effected:
  - (2) The infliction by a person acting in an official capacity and/or an agent of the State of physical injury, torture, killing, or violation of other human rights, of any person exercising civil or political

rights, including but not limited to the freedom of speech, assembly or organization; and/or the right to petition the government for redress of grievances, even if such violation took place during or in the course of what the authorities at the time deemed an illegal assembly or demonstration: *Provided*, That torture in any form or under any circumstance shall be considered a human rights violation;

- (3) Any enforced or involuntary disappearance caused upon a person who was arrested, detained or abducted against one's will or otherwise deprived of one's liberty, as defined in Republic Act No. 10350 {{1}}, otherwise known as the "Anti-Enforced or Involuntary Disappearance Act of 2012";
- (4) Any force or intimidation causing the involuntary exile of a person from the Philippines;
- (5) Any act of force, intimidation or deceit causing unjust or illegal takeover of a business, confiscation of property, detention of owner/s and or their families, deprivation of livelihood of a person by agents of the State, including those caused by Ferdinand E. Marcos, his spouse Imelda R. Marcos, their immediate relatives by consanguinity or affinity, as well as those persons considered as among their close relatives, associates, cronies and subordinates under Executive Order No. 1, issued on February 28, 1986 by then President Corazon C. Aquino in the exercise of her legislative powers under the Freedom Constitution;
- (6) Any act or series of acts causing, committing and/ or conducting the following:
  - (i) Kidnapping or otherwise exploiting children of persons suspected of committing acts against the Marcos regime;
  - (ii) Committing sexual offenses against human rights victims who are detained and/or in the course of conducting military and/or police operations; and

- (iii) Other violations and/or abuses similar or analogous to the above, including those recognized by international law.
- (c) Human Rights Violations Victim (HRVV) refers to a person whose human rights were violated by persons acting in an official capacity and/or agents of the State as defined herein. In order to qualify for reparation under this Act, the human rights violation must have been committed during the period from September 21, 1972 to February 25, 1986: Provided, however, That victims of human rights violations that were committed one (1) month before September 21, 1972 and one (1) month after February 25, 1986 shall be entitled to reparation, under this Act if they can establish that the violation was committed:
  - (1) By agents of the State and/or persons acting in an official capacity as defined hereunder;
  - (2) For the purpose of preserving, maintaining, supporting or promoting the said regime; or
  - (3) To conceal abuses during the Marcos regime and/ or the effects of Martial Law.
- (d) Persons Acting in an Official Capacity and/or Agents of the State. The following persons shall be deemed persons acting in an official capacity and/or agents of the State under this Act:
  - (1) Any member of the former Philippine Constabulary (PC), the former Integrated National Police (INP), the Armed Forces of the Philippines (AFP) and the Civilian Home Defense Force (CHDF) from September 21, 1972 to February 25, 1986 as well as any civilian agent attached thereto; and any member of a paramilitary group even if one is not organically part of the PC, the INP, the AFP or the CHDF so long as it is shown that the group was organized, funded, supplied with equipment, facilities and/or resources, and/or indoctrinated, controlled and/or supervised by any person acting

- in an official capacity and/or agent of the State as herein defined;
- (2) Any member of the civil service, including persons who held elective or appointive public office at any time from September 21, 1972 to February 25, 1986;
- (3) Persons referred to in Section 2(a) of Executive Order No. 1, creating the Presidential Commission on Good Government (PCGG), issued on February 28, 1986 and related laws by then President Corazon C. Aquino in the exercise of her legislative powers under the Freedom Constitution, including former President Ferdinand E. Marcos, spouse Imelda R. Marcos, their immediate relatives by consanguinity or affinity, as well as their close relatives, associates, cronies and subordinates; and
- (4) Any person or group/s of persons acting with the authorization, support or acquiescence of the State during the Marcos regime.
- (e) *Torture* refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on any person under the custody of persons acting in an official capacity and/or agents of the State, as defined by law, jurisprudence, international conventions and Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009".
- SEC 4. Entitlement to Monetary Reparation. Any HRVV qualified under this Act shall receive reparation from the State, free of tax, as herein prescribed: Provided, That for a deceased or involuntary disappeared HRVV, the legal heirs as provided for in the Civil Code of the Philippines, or such other person named by the executor or administrator of the deceased or involuntary disappeared HRVV's estate in that order, shall be entitled to receive such reparation: Provided, further, That no special power of attorney shall be recognized in the actual disbursement of the award, and only the victim or the aforestated successor(s)-in-interest shall be entitled to personally receive said reparation form the Board, unless the victim involved is shown to be incapacitated to the satisfaction of the Board: Provided, furthermore,

That the reparation received under this Act shall be without prejudice to the receipt of any other sum by the HRVV from any other person or entity in any case involving violations of human rights as defined in this Act.

SEC. 5. Nonmonetary Reparation. – The Department of Health (DOH), the Department of Social Welfare and Development (DSWD), the Department of Education (DepED), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and such other government agencies shall render the necessary services as nonmonetary reparation for HRVVs and/or their families, as may be determined by the Board pursuant to the provisions of this Act. The amount necessary for this purpose shall be sourced from the budget of the agency concerned in the annual General Appropriations Act (GAA).

SEC. 6. Amount of Reparation. – The amount of reparation under this Act shall be in proportion to the gravity of the human rights violation committed on the HRVV and in accordance with the number of points assigned to the individual under Section 19 hereof.

SEC. 7. Source of Reparation. – The amount of Ten billion pesos (P10,000,000,000.00) plus accrued interest which form part of the funds transferred to the government of the Republic of the Philippines by virtue of the December 10, 1997 Order of the Swiss Federal Supreme Court, adjudged by the Supreme Court of the Philippines as final and executory in Republic vs. Sandiganbayan on July 15, 2003 (G.R. No. 152154) as Marcos ill-gotten wealth and forfeited in favor of the Republic of the Philippines, shall be the principal source funds for the implementation of this Act.

## Chapter II

## The Human Rights Victims' Claims Board

SEC. 8. Creation and Composition of the Human Rights Victims' Claims Board. – There is hereby created an independent and quasi-judicial body to be known as the Human Rights Victims' Claims Board, hereinafter referred to as the Board. It shall be composed of nine (9) members, who shall possess the following qualifications:

- (a) Must be of known probity, competence and integrity;
- (b) Must have a deep and thorough understanding and knowledge of human rights and involvement in efforts

- against human rights violations committed during the regime of former President Ferdinand E. Marcos;
- (c) At least three (3) of them must be members of the Philippine Bar who have been engaged in the practice of law for at least ten (10) years; and
- (d) Must have a clear and adequate understanding and commitment to human rights protection, promotion and advocacy.

The Human Rights Victims' Claims Board shall be attached to but shall not be under the Commission on Human Rights (CHR).

The Board shall organize itself within thirty (30) days from the completion of appointment of all nine (9) members and shall thereafter organize its Secretariat.

- SEC. 9. Appointment to the Board. The President shall appoint the Chairperson and the other eight (8) members of the Board: *Provided*, That human rights organizations such as, but not limited to, the Task Force Detainees of the Philippines (TFDP), the Free Legal Assistance Group (FLAG), the Movement of Attorneys for Brotherhood, Integrity and Nationalism (MABINI), the Families of Victims of Involuntary Disappearance (FIND) and the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (SELDA) may submit nominations to the President.
- SEC. 10. *Powers and Functions of the Board.* The Board shall have the following powers and functions:
  - (a) Receive, evaluate, process and investigate applications for claims under this Act;
  - (b) Issue subpoena/s ad testificandum and subpoena/s duces tecum;
  - (c) Conduct independent administrative proceedings and resolve disputes over claims;
  - (d) Approve with finality all eligible claims under this Act;
  - (e) Deputize appropriate government agencies to assist it in order to effectively perform its functions;
  - (f) Promulgate such rules as may be necessary to carry out the purposes of this Act, including rules of procedure in the conduct of its proceedings, with the Revised

- Rules of Court of the Philippines having suppletory application;
- (g) Exercise administrative control and supervision over its Secretariat;
- (h) The Board, at its discretion, may consult the human rights organizations mentioned in Section 9 herein; and
- (i) Perform such other duties, functions and responsibilities as may be necessary to effectively attain the objectives of this Act.
- SEC. 11. Resolution, of Claims The Board shall be composed of three (3) divisions which shall function simultaneously and independently of each other in the resolution of claims for reparation. Each division shall be composed of one (1) Chairperson, who shall be a member of the Philippine Bar and two (2) members to be appointed by the Board *en banc*.
- SEC. 12. *Emoluments.* The Chairperson and members of the Board shall have the rank, salary, emoluments and allowances equivalent to a Presiding Justice and Associate Justice of the Court of Appeals, respectively.
- SEC. 13. Secretariat of the Board. The Board shall be assisted by a Secretariat which may come from the existing personnel of the CHR, without prejudice to the hiring of additional personnel as determined by the Board to accommodate the volume of required work. The following shall be the functions of the Secretariat:
  - (a) Receive, evaluate, process and investigate applications for claims under this Act;
  - (b) Recommend to the Board the approval of applications for claims;
  - (c) Assist the Board in technical functions; and
  - (d) Perform other duties that may be assigned by the Board.

The Chairperson of the Board shall appoint a Board Secretary who shall head the Secretariat for the duration of the existence of the Board. There shall be a Technical Staff Head assisted by five (5) Legal Officers and three (3) Paralegal Officers; and an Administrative Staff Head assisted by three (3) Administrative Support Staff.

When necessary, the Board may hire additional contractual employees or contract a service provider to provide services of counselors, psychologists, social workers and public education specialists, among others, to augment the services of the Secretariat: *Provided*, That the maximum contract amount per year shall not exceed more than fifteen percent (15%) of the total annual operating budget of the Board.

SEC. 14. Operating Budget of the Board – The operating budget of the Board shall be funded from the Ten billion peso (P10,000,000,000.00) fund, with Ten million pesos (P10,000,000,000.00) as its initial operating budget: *Provided*, That it shall not exceed Fifty million pesos (P50,000,000.00) a year

SEC. 15. Proper Disposition of Funds. – The Board shall ensure that funds appropriated or those which may become available as reparation for HRVVs are properly disbursed in accordance with the policies stated by Congress and relevant government rules, regulations and accounting procedures.

### Chapter III

#### Claimants, Reparation and Recognition

SEC. 16. Claimants. – Any person who is an HRVV may file a claim with the Board for reparation and/or recognition in accordance with the provisions of this Act.

Sec. 17. Conclusive Presumption That One is an HRVV Under This Act. – The claimants in the class suit and direct action plaintiffs in the Human Rights Litigation Against the Estate of Ferdinand E. Marcos (MDL No. 840, CA No. 88-0390) in the US Federal District Court of Honolulu, Hawaii wherein a favorable judgment has been rendered, shall be extended the conclusive presumption that they are HRVVs: Provided, That the HRVVs recognized by the Bantayog Ng Mga Bayani Foundation shall also be accorded the same conclusive presumption: Provided, further, That nothing herein shall be construed to deprive the Board of its original jurisdiction and its inherent power to determine the extent of the human rights violations and the corresponding reparation and/or recognition that may be granted.

SEC. 18. Motu Proprio Recognition. – The Board may take judicial notice motu proprio of individual persons who suffered human rights violations as defined herein and grant such persons recognition as HRVVs and included in the Roll of Victims as provided for in Section 26 hereof.

SEC. 19. *Determination of Award.* — (a) The Board shall follow the point system in the determination of the award. The range shall be one (1) to ten (10) points, as follows:

- (1) Victims who died or who disappeared and are still missing shall be given ten (10) points;
- (2) Victims who were tortured and/or raped or sexually abused shall he given six (6) to nine (9) points:
- (3) Victims who were detained shall be given three (3) to five (5) points; and
- (4) Victims whose rights were violated under Section 3, paragraph (b), nos. (4), (5) and (6) under this Act shall be given one (1) to two (2) points.

The Board shall exercise its powers with due discretion in the determination of points for each victim, which shall be based on the type of violation committed against the HRVV, frequently and duration of the violation. In each category, HRVVs who had suffered more would receive more points. In instances where a victim is classified in more than one category, one shall be awarded the points in the higher category: *Provided*, That in cases where there are several eligible claims filed for reparation by or on behalf of a particular HRVV, the Board shall award only one (1) valid claim which corresponds to the category obtaining the highest number of points for each eligible claimant.

- (b) The Board shall proceed to determine the award for each claimant classified under Sections 16, 17 and 18 of this Act.
- (c) The Board shall then compute the final monetary value of one's award that is equivalent to the numerical value of one point multiplied by the number of points that a claimant is entitled to, as previously determined by the Board.
- (d) Within thirty (30) days after the Board has approved with finality each eligible claim pending before it and after due publication of such legitimate claim, the award of monetary compensation shall take effect: *Provided.*, That any pending appeal filed by an aggrieved claimant or opposite before the Board *en banc* must

resolved by it sixty (60) days before the Board becomes functus officio.

## Chapter IV General Provisions

SEC. 20. *Transfer of Funds.* – Pursuant to the judgment mentioned in Section 7 hereof, the amount of Ten billion pesos (P10,000,000,000.00) plus the accrued interest are hereby set aside and appropriated to fund the purposes of this Act.

SEC. 21. Documentation of Human Rights Violations Committed by the Marcos Regime. – In the implementation of this Act and without prejudice to any other documentary or other evidence that may be required for the award of any reparation, any HRVV seeking reparation shall execute a detailed sworn statement narrating the circumstances of the pertinent human rights violation/s committed.

SEC. 22. *Publication.* – Consistent with Section 23 herein, the Board, after having been duly convened, shall set the period for the commencement and termination of applications by HRVVs and cause the publication of the same: *Provided*, That such period shall only become operative fifteen (15) days after its last publication, which shall be once a week for three (3) consecutive weeks in at least two (2) national newspapers of general circulation.

SEC. 23. Period for Filing of Claims; Waiver. – An HRVV shall file an application for reparation with the Board within six (6) months from the effectivity of the implementing rules and regulations (IRR) of this Act: Provided, That failure to file an application within said period is deemed a waiver of the right to file the same: Provided, further, That for HRVVs who are deceased, incapacitated, or missing due to enforced disappearance, their legal heir/s or representatives, shall be entitled to file an application for reparation on their behalf.

Any opposition to the new application/s pursuant to Section 16 hereof shall only be entertained if such is filed within fifteen (15) days from the date of the last publication of the official list of eligible claimants as may be determined by the Board. The Board shall cause the publication of the official list of eligible claimants once a week for three (3) consecutive weeks in at least two (2) national newspapers of general circulation.

SEC. 24 Appeal. — Any aggrieved claimant or oppositor may file an appeal within ten (10) calendar days from the receipt of the Resolution of the Division, to the Board *en banc*, whose decision shall then become final and executory.

SEC 25. Penalties; Applicability of the Revised Penal Code. – Any claimant who is found by the Board, after due hearing, to have filed a fraudulent claim, shall be referred to the appropriate office for prosecution. If convicted, he shall suffer the imprisonment of eight (8) to ten (10) years, shall be disqualified from public office and employment and shall be deprived of the right to vote and be voted for in any national or local election, even after the service of sentence unless granted absolute pardon.

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who shall misuse, embezzle or misappropriate the funds for the reparation of HRVVs or who shall commit fraud in the processing of documents and claims of HRVVs, or shall conspire with any individual to commit the same, shall also be prosecuted.

Any member of the Board and its Secretariat, public officer, employee of an agency or any private individual mandated to implement this Act, who may have been found guilty of committing any or all of the prohibited acts stated in the preceding paragraph, or those acts punishable under the Revised Penal Code, shall be penalized under the pertinent provisions in the Code and relevant special penal laws.

SEC. 26. *Roll of Victims*. – Persons who are HRVVs, regardless of whether they opt to seek reparation or not, shall be given recognition by enshrining their names in a Roll of Human Rights Victims to be prepared by the Board.

A Memorial/Museum/Library shall be established in honor and in memory of the victims of human rights violations whose names shall be inscribed in the Roll. A compendium of their sacrifices shall be prepared and may be readily viewed and accessed in the internet. The Memorial/Museum/Library/Compendium shall have an appropriation of at least Five hundred million pesos (P500,000,000.00) from the accrued interest of the Ten billion peso (P10,000,000,000.00) fund.

The Roll may also be displayed in government agencies as may be designated by the HRVV Memorial Commission as created hereunder.

SEC. 27. Human Rights Violations Victims' Memorial Commission — There is hereby created a Commission to be known as the Human Rights Violations Victims' Memorial Commission, hereinafter referred to as the Commission, primarily for the establishment, restoration, preservation and conservation of the Memorial/Museum/Library/Compendium in honor of the HRVVs during the Marcos regime.

The powers and functions of the Commission shall be assumed by the Board of Trustees which shall be composed of the following: Chairperson of the CHR as Chairperson; Chairperson of the National Historical Commission as Co-Chairperson; and Chairpersons of the CHED, the National Commission on Culture and the Arts (NCCA), the Secretary of the Department of Education and the Head of the University of the Philippines Diliman Main Library, as members.

The Board of Trustees shall have the authority to hire and appoint its officials and employees, receive donations and grants for and on its behalf, and generate revenues for the benefit of the Commission.

The Commission shall be attached to the CHR solely for budgetary and administrative purposes. The operating budget of the Commission shall be appropriated from the General Appropriations Act.

The Commission shall also coordinate and collaborate with the DepED and the CHED to ensure that the teaching of Martial Law atrocities, the lives and sacrifices of HRVVs in our history are included in the basic, secondary and tertiary education curricula.

## Chapter V Final Provisions

SEC 28. Guidelines for the Implementing Rules and Regulations (IRR) – In implementing this Act and in formulating the corresponding rules and regulations, and to ensure that all applications are properly screened for fraudulent claims, the Board must provide for:

- (a) Transparency in the processing of the claims;
- (b) A procedure that allows any concerned party to oppose an application or claim on the ground that it is fraudulent, fictitious or spurious and gives that party the opportunity to question the same and to present evidence in support thereof; and
- (c) A procedure that is speedy and expeditious without sacrificing any of the parties' fundamental rights.

Within fifteen (15) days from the date of its organization, the Board shall promulgate the necessary IRR and procedures for the effective implementation of this Act. The IRR shall be effective fifteen (15) days after its publication in two (2) national newspapers of general circulation.

SEC. 29. Work Period; Sunset Clause. – The Board shall complete its work within two (2) years from the effectivity of the IRR promulgated by it. After such period, it shall become functus officio.

- SEC. 30. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.
- SEC. 31. Repealing Clause. All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with any of the provisions of this Act, including Section 63(b) of Republic Act No. 6657, as amended, otherwise known as the Comprehensive Agrarian Reform Law of 1988 and Section 40(a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, are hereby repealed, amended or modified accordingly.
- SEC. 32. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) JUAN PONCE ENRILE President of the Senate

(Sgd.) FELICIANO BELMONTE JR. Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 5990 and Senate Bill No. 3334 was finally passed by the House of Representatives and the Senate on January 28, 2013.

(Sgd.) EMMA LIRIO-REYES Secretary of the Senate

(Sgd.) MARILYN B. BARUA-YAP Secretary General House of Representatives Approved: FEB 25 2013

(Sgd.) BENIGNO S. AQUINO III President of the Philippines

[[1]] This refers to Republic Act No. 10353 or "An Act defining and penalizing enforced or involuntary disappearance" [[1]]



#### APPENDIX 2.3

# EXCERPTS FROM IN RE ESTATE OF MARCOS HUMAN RIGHTS LITIGATION, 910 F. SUPP. 1460 (MDL 840)

This opinion affirms the legality of the use of random sampling in determining whether the class of human rights violation victims that filed suit against (the estate of) Ferdinand Marcos, consolidated as MDL 840, was entitled to damages. The opinion explains that random sampling was done for pragmatic reasons—how was a jury supposed to hear the testimony of almost 10,000 plaintiffs? The Marcos camp claimed that this violated their right to due process—they believed that all claimants had to give testimony. A pragmatic reading of the United States constitution shot down that defense (which, as appendix 5.6 shows, was typical of the technical-over-factual strategy adopted by the Marcoses). The first footnote of the opinion also explains that some of the claims were declared prima facie invalid in 1994 (twenty of these rejected claims were eventually reinstated). Thus, the entire litigation process was far from arbitrary.

### United States District Court, D. Hawai'i.

November 30, 1995.

\*1461 Robert A. Swift, Kohn, Savett, Klein & Graf, P.C., Philadelphia, PA, Sherry P. Broder, Honolulu, Hawai'i, for Class Plaintiffs.

Paul Hoffman, ACLU Foundation of Southern California, Los Angeles, CA, Randall H. Scarlett, Brown, Monzione, Fabbro, Zakaria & Scarlett, San Francisco, California, Melvin Belli, Caesar Belli, San Francisco, CA, for Individual Plaintiffs.

James Pau Linn, Linn & Helms, Oklahoma City, OK, Lex R. Smith, Kobayashi, Sugita & Goda, Honolulu, Hawaiʻi, for defendants.

#### **OPINION**

REAL, District Judge.

## In Re Estate of Marcos Human Rights Litigation, 910 F. Supp. 1460 (D. Haw. 1995)

U.S. District Court for the District of Hawaii - 910 F. Supp. 1460 (D. Haw. 1995) November 30, 1995

910 F. Supp. 1460 (1995)

## In re ESTATE OF Ferdinand E. MARCOS HUMAN RIGHTS LITIGATION. This Document Relates to all Cases.

No. MDI 840.

#### United States District Court, D. Hawai i.

November 30, 1995.

\*1461 Robert A. Swift, Kohn, Savett, Klein & Graf, P.C., Philadelphia, PA, Sherry P. Broder, Honolulu, Hawai`i, for Class Plaintiffs.

Paul Hoffman, ACLU Foundation of Southern California, Los Angeles, CA, Randall H. Scarlett, Brown, Monzione, Fabbro, Zakaria & Scarlett, San Francisco, California, Melvin Belli, Caesar Belli, San Francisco, CA, for Individual Plaintiffs.

James Pau Linn, Linn & Helms, Oklahoma City, OK, Lex R. Smith, Kobayashi, Sugita & Goda, Honolulu, Hawai`i, for defendants

#### **OPINION**

REAL, District Judge.

#### I. BACKGROUND

Victims of torture, summary execution and disappearance filed suits for damages, in the form of a class action as well as individual direct actions, against the Estate of the former President of the Philippines, Ferdinand E. Marcos (MARCOS), for human rights violations. Specifically, the violations are alleged to have occurred during the period in which MARCOS, as President of the Philippines, declared martial law, from September 21, 1972 to February 25, 1986.

In 1986 MARCOS fled the Philippines and arrived in the State of Hawaii. MARCOS was a resident of Hawaii at the time he was served with the complaints that are the subject \*1462 of this litigation but he died during the pendency of these actions. The Estate of Ferdinand E. Marcos (the ESTATE) has been substituted in MARCOS' place; his widow, Imelda Marcos, and his son, Ferdinand E. Marcos, Jr., have appeared before this Court as representatives of the ESTATE.

The action was tried in the three phases: (1) liability, (2) exemplary damages, and (3) compensatory damages, over a nine year period from 1986 to 1995. In the compensatory damages phase, Phase III, this Court allowed the jury to consider the damages to a random sample of plaintiffs as representative of the injuries suffered by those in the three subclasses; i.e. (1) plaintiffs who were tortured; (2) the families of those individuals who were the subjects of summary execution; and (3) the families of those who disappeared as the result of the actions of MARCOS. Pragmatically, the jury could not hear testimony of nearly 10,000 plaintiffs in this action within any practicable and reasonable time, to do justice to the class members. The individual plaintiffs who opted out of the certified class action each presented his or her individual claim for compensatory damages to the jury in a separate part of the Trial.

Figure 1. A screenshot from the Justia US Law website.

Source: United States District Court, District of Hawai`i. 1995. "In Re Estate of Marcos Human Rights Litigation." 910 F. Supp. 1460, No. MDL 840. https://law.justia.com/cases/federal/district-courts/FSupp/910/1460/1943938/.

### I. BACKGROUND

Victims of torture, summary execution and disappearance filed suits for damages, in the form of a class action as well as individual direct actions, against the Estate of the former President of the Philippines, Ferdinand E. Marcos (MARCOS), for human rights violations. Specifically, the violations are alleged to have occurred during the period in which MARCOS, as President of the Philippines, declared martial law, from September 21, 1972 to February 25, 1986.

In 1986 MARCOS fled the Philippines and arrived in the State of Hawaii. MARCOS was a resident of Hawaii at the time he was served with the complaints that are the subject \*1462 of this litigation but he died during the pendency of these actions. The Estate of Ferdinand E. Marcos (the ESTATE) has been substituted in MARCOS' place; his widow, Imelda Marcos, and his son, Ferdinand E. Marcos, Jr., have appeared before this Court as representatives of the ESTATE.

The action was tried in the three phases: (1) liability, (2) exemplary damages, and (3) compensatory damages, over a nine year period from 1986 to 1995. In the compensatory damages phase, Phase III, this Court allowed the jury to consider the damages to a random sample of plaintiffs as representative of the injuries suffered by those in the three subclasses; i.e. (1) plaintiffs who were tortured; (2) the families of those individuals who were the subjects of summary execution; and (3) the families of those who disappeared as the result of the actions of MARCOS. Pragmatically, the jury could not hear testimony of nearly 10,000 plaintiffs in this action within any practicable and reasonable time, to do justice to the class members. The individual plaintiffs who opted out of the certified class action each presented his or her individual claim for compensatory damages to the jury in a separate part of the Trial.

This opinion addresses the compensatory damages phase of the trial. The Court deals here with the propriety of the use of inferential statistics to ascertain the damages suffered by each of the 9,541<sup>[1]</sup> class members.

#### IL MARCOS REGIME

MARCOS was elected President of the Philippines in 1965 and was re-elected in 1969. The Philippine Constitution of 1935, still in effect in 1972, was similar to the United States Constitution, in that it

limited election of the President to two four-year terms. Thus, MARCOS would have had to leave the office of the Presidency by the end of 1973, but he did not.

On September 21, 1972 MARCOS imposed martial law on all of the Philippines through Proclamation 1081, which suspended the Constitution, in order to keep himself in office. The stated purpose for the imposition of martial law, as expressed in Proclamation 1081, was:

"to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all the laws and decrees, orders and regulations promulgated by me personally or upon my direction." [2]

At the time martial law was declared, a Constitutional Convention, elected by the people, had been meeting and was near completion of proposed revisions to the 1935 Constitution. On orders from MARCOS, some delegates to the Convention were arrested and placed under detention while others went into hiding or left the country leaving the revisions uncompleted.

Without allowing for ratification of the new Constitution by a plebiscite, on January 17, 1973, MARCOS ordered ratification of a revised Constitution, tailor-made for his maintenance of power. With those actions MARCOS planted the seeds for what grew into a virtual dictatorship in the Philippines.

The new Constitution nullified the term limits for the President and provided that MARCOS could function as President, using his own judgment, for as long as necessary. Until he convened a new legislative body, MARCOS also had sole authority to rule in the Philippines.

Proclamation 1081 not only declared martial law, but also set the stage for what plaintiffs alleged, and the jury found, to be acts of torture, summary execution, disappearance, arbitrary detention, and numerous other atrocities for which the jury found MARCOS personally responsible.

\*1463 MARCOS gradually increased his own power to such an extent that there were no limits to his orders of the human rights violations suffered by plaintiffs in this action. MARCOS promulgated General Order No. 1 which stated he was the Commander-in-Chief of the Armed Forces of the Philippines. The order also stated that MARCOS was to govern the nation and direct the operation of the entire Government, including all its agencies and instrumentalities. By

General Orders 2 and 2-A, signed by MARCOS immediately after proclaiming martial law, MARCOS authorized the arrest, by the military, of a long list of dissidents. By General Order 3, MARCOS maintained, as captive, the executive and judicial branches of all political entities in the Philippines until otherwise ordered by himself personally.<sup>[3]</sup>

Immediately after the declaration of martial law the issuance of General Orders 1, 2, 2A, 3 and 3A caused arrests of persons accused of subversion, apparently because of their real or apparent opposition to the MARCOS government. These arrests were made pursuant to orders issued by the Secretary of Defense Juan Ponce Enrile ("ENRILE"), or MARCOS himself.

The arrest orders were means for detention of each of the representatives of the plaintiff class as well as each of the individual plaintiffs. During those detentions the plaintiffs experienced human rights violations including, but not limited to the following:

- 1. Beatings while blindfolded by punching, kicking and hitting with the butts of rifles;
- 2. The "telephone" where a detainee's ears were clapped simultaneously, producing a ringing sound in the head;
- 3. Insertion of bullets between the fingers of a detainee and squeezing the hand;
- 4. The "wet submarine", where a detainee's head was submerged in a toilet bowl full of excrement;
- 5. The "water cure", where a cloth was placed over the detainee's mouth and nose, and water poured over it producing a drowning sensation;
- 6. The "dry submarine", where a plastic bag was placed over the detainee's head producing suffocation;
- 7. Use of a detainee's hands for putting out lighted cigarettes;
- 8. Use of flat-irons on the soles of a detainee's feet;
- 9. Forcing a detainee while wet and naked to sit before an air conditioner often while sitting on a block of ice;

- 10. Injection of a clear substance into the body a detainee believed to be truth serum;
- 11. Stripping, sexually molesting and raping female detainees; one male plaintiff testified he was threatened with rape;
- 12. Electric shock where one electrode is attached to the genitals of males or the breast of females and another electrode to some other part of the body, usually a finger, and electrical energy produced from a military field telephone is sent through the body;
- 13. Russian roulette; and
- 14. Solitary confinement while handcuffed or tied to a bed.

All of these forms of torture were used during "tactical interrogation"<sup>[4]</sup>, attempting to elicit information from detainees concerning opposition to the MARCOS government. The more the detainees resisted, whether purposefully or out of lack of knowledge, the more serious the torture used.

Eventually, MARCOS, his family and others loyal to him fled to Hawaii in February of 1986. One month later, a number of lawsuits were filed, including those that are the subject of this case.

#### III. CLASS ACTION

On September 22, 1992, in the liability phase of the trial, the jury found defendants liable to 10,059 plaintiffs, for the acts of \*1464 torture, summary execution and disappearance. On February 23, 1994 the jury awarded plaintiffs \$1.2 billion in exemplary damages.

In the compensatory damages phase, the class action plaintiffs presented their case to the jury by using damages sustained by a random sample of plaintiffs as representative of damages suffered by the entire class. After reviewing the deposition of 137 claimants and hearing the live testimony of several class members who could come to Court, the Special Master presented a report to the jury recommending the damages suffered by the 137 claimants, to give the jury a statistically valid representation of damages suffered by the entire class. On January 20, 1995, the jury reconvened and after hearing several representatives

of the class and the testimony of the Special Master found the defendant liable to the class for over \$766 million in compensatory damages, with individual plaintiff's awards ranging from \$150,000 to \$700,000.

The Court held that damages of 137 of the claimants, presented to the jury in the form of a report presented by the Special Master, was representative of damages sustained by the entire class, and introduction of such report did not offend due process. Furthermore, the fact that defendants did not have the opportunity to cross-examine all class plaintiffs, because only the testimony of 137 claimants was presented in the report, did not violate defendant's right to a jury trial under the Seventh Amendment of the United States Constitution. <sup>[5]</sup>

This opinion will address judgment as to the class plaintiffs only.

#### IV. DISCUSSION

#### A. Issues Presented

All threshold issues in this case have been previously resolved by the Ninth Circuit. [6] At this time there are two issues before this Court. The primary question is whether the use by this Court of a random sample of plaintiffs, as representative of the injuries suffered by others in the class, violates defendant's due process rights. The second question is whether use of the random sample violates the defendant's Seventh Amendment right to a jury trial.

## B. Random Sampling

#### 1. Introduction

The ESTATE asserts random sampling is inappropriate for this case, and each claim should be individually tried. This Court holds otherwise. The use of aggregate procedures, with the help of an expert in the field of inferential statistics, for the purpose of determining class compensatory damages is proper.

James Dannemiller, an expert in the field of inferential statistics and survey sampling for twenty five years, assisted in this case. He has testified as an expert in those areas in both state and federal courts. Mr. Dannemiller formulated a plan so that only 137 randomly selected claims, of the 9,541 claims found to be valid, would have to be examined in order to achieve a 95% statistical \*1465 confidence level

that all claims would fall within the ambit of the 137 randomly selected claims.<sup>[7]</sup>

Mr. Dannemiller testified<sup>[8]</sup> that inferential statistics is a recognized science which uses mathematical equations to infer the probability of events occurring or not occurring. One branch of that science is the sampling theory, which deals with the selection of sample sizes sufficient to produce results that can be applied to a larger population from which the sample was selected with a specified probability of error. The formula Dannemiller used in this case is a well-known statistical tool that is found in Leslie Kish, Survey Sampling 53 (New York, John Wiley and Sons 1962) (KISH FORMULA).

Mr. Dannemiller testified under the KISH FORMULA, 137 randomly selected valid claims examined from a larger population of 9,541 validly submitted claims by class members would produce a 95% confidence level. The Court then considered the details of deposing 137 randomly selected claimants.

This Court appointed a Special Master<sup>[9]</sup>, to facilitate the taking of depositions of 137 randomly selected plaintiffs. The Special Master's appointment had a three-fold purpose: first, he supervised the taking of the 137 depositions in the Philippines; second, he served as a court-appointed expert on damages, under Federal Rule of Evidence 706, to review the deposition transcripts along with the claim forms; finally, he made recommendations on compensatory damages for the 137 claimants as well as the remaining class members<sup>[10]</sup> to the jury. The Special Master's 182 page findings and recommendations, and the six page addendum thereto, are attached hereto as Appendix A and Appendix B, respectively.<sup>[7]</sup>

The depositions which the Special Master oversaw were noticed and taken in accordance with the Federal Rules of Civil Procedure. Although having notice of the depositions of the 137 class member sample and the names of the individual class members, the ESTATE chose not to participate and did not appear at any of the depositions, which were taken during October and November of 1994. Nor did the ESTATE choose to depose any of the 9,541 class members to test the procedure employed by the Court, or to acquire evidence to refute the fairness to the defendant of this random selection process using inferential statistical methodology.

The Special Master was directed by this Court to review the depositions for the following three elements: (1) whether the abuse claimed fell within one of the three definitions, with which the Court

charged the jury at the liability phase of the trial; (2) whether the Philippine military or paramilitary was involved in such abuse; and (3) whether the abuse occurred during the period of September 1972 through February 1986. The claims of all the class members were filed with the Court and examined by the Special Master. Each claim was made under oath. After considering the deposition \*1466 of the 137 claimants and the claims filed by each of the class members, the Special Master prepared the attached report.

Of the 137 randomly sampled claims, 67 were torture victims, 52 were execution victims and 18 were disappearance victims.[11] Based upon the depositions of each of the 137 randomly selected class member's claims and review of all the claims of the remaining class members, the Special Master recommended damages under Philippine, International, and American law, for each of the three categories of claims. During the Special Master's testimony, the Court advised the jury that they, in determining damages, could accept, modify or reject the recommendations of the Special Master. [12] The jury was also instructed that they could, independently, on the basis of the depositions of the 137 randomly chosen class members, make their own judgment as to the individual damages of the 137 claimants and the aggregate damages suffered by the class. Copies of the Special Master's and Court-Appointed Expert's Report and Addendum thereto were supplied to each member of the jury. After five days of deliberations, the jury returned a verdict of over \$766 million, approximately \$1 million less than the Special Master had recommended.

In his report and testimony, the Special Master made damage determinations for torture victims by ranking each claim from 1-5, with 5 representing the worst abuses and suffering. The torture claims were evaluated based upon Judge Real's decision in *Trajano v. Imee Marcos-Manotoc, aff'd, In re: Estate of Ferdinand E. Marcos Litigation,* 978 F.2d 493 (9th Cir. 1992), *cert. denied,* \_\_\_ U.S. \_\_\_, 113 S. Ct. 2960, 125 L. Ed. 2d 661 (1993), as part of this matter, and the following considerations: (1) physical torture, including what methods were used and/or abuses were suffered; (2) mental abuse, including fright and anguish; (3) amount of time torture lasted; (4) length of detention, if any; (5) physical and/or mental injuries; (6) victim's age; and (7) actual losses, including medical bills. Although each claim of torture could have been but were not totally unique, as the Court Appointed Expert on damages, the Special Master, was able to determine that

there were sufficient similarities within a rating category to recommend a standard damage amount to each victim within that grouping.

For summary execution and disappearance claims, whether there was any torture prior to a victim's death or disappearance weighed into the damages recommended for these two categories. Applying Philippine law, loss of earnings in torture claims was also factored into each of the Special Master's recommendations. After the aggregate lost earnings were computed, the result was converted into American dollars by dividing the figure by twenty-four, which was the approximate exchange rate, as of December 1994, between U.S. dollars and Philippine pesos.

Because there were discrepancies between some transcripts stating income earned in gross, some in net, and some giving no amount, serving as the Court Appointed Expert on damages, the Special Master, recommended that it was necessary to place a cap upon lost earnings; \$120,000 was the maximum a claimant could receive. When a witness did not state the amount of income earned by a summary execution or disappearance victim, an average for the victim's occupation was utilized. For example, when the victim was a farmer, the average earnings for one harvesting the same crop on the same amount of land was used. If a person stated the victim's income in terms of per harvest, and if there were three harvests per year, for example, then that victim's earnings would be multiplied by three. For any victim who did not work, there was no award given for lost earnings. [13]

For computing the total amount of damages for summary execution and disappearance victims, depending on the individual facts, there were different variables which went into the equation: (1) torture prior to death or disappearance; (2) the actual killing \*1467 or disappearance; (3) the victim's family's mental anguish; and (4) lost earnings, calculated in the above described manner.

#### V. Conclusion

The use of an aggregate procedure for determining compensatory damages, under the procedures followed in this litigation, was neither a violation of the parties' due process rights nor their right to a jury trial under the Seventh Amendment. The aggregation of compensatory damage claims vindicates important federal and international policies, permits justice to be done without unduly clogging the court system, and was shown to be fair to the defendant.

Judgment shall be entered for plaintiffs.

### **Notes**

- [1] Originally 10,059 claim forms were received in this matter. On September 16, 1994 this Court signed an Order rejecting 538 facially invalid claims. And, on October 20, 1994, this Court signed an Order reinstating 20 of the 538 rejected claims. This Court found 9,541 claims to be valid.
- [2] See Narrative Statement of Reverend Joaquin G. Bernas, S.J., filed with the Court on February 21, 1992.
- [3] An example of Marcos' absolute power was the testimony of Ambassador Stephen Bosworth who pleaded with him to stop the human rights violations and to get rid of General Fabian Ver, a Marcos relative, the Chief of Staff of the Philippine armed forces. Marcos' reply was telling to the jury. He is quoted as saying, "Why are you so concerned about General Ver. I am in charge".
- [4] The euphemism for torture, disappearance or summary execution.
- [5] Defendant was given the opportunity to depose any of the randomly chosen 137 class members whose testimony was the subject of the Special Master's Report. They also had the opportunity to depose any of the 10,059 class members.
- [6] In *In re Estate of Ferdinand Marcos Human Rights Litigation*, 25 F.3d 1467 (9th Cir.1994), the Ninth Circuit affirmed an appeal from a preliminary injunction entered into by this Court enjoining the Estate from transferring, secreting or dissipating the estate's assets pending resolution of the litigation.

  In that case, the Ninth Circuit recognized that there is subject matter jurisdiction over a foreign state if one of the exceptions to immunity under the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. section 1330, 1602-11 exists, but held this Court was not barred from exercising jurisdiction over defendants in this case, because the Ninth Circuit had previously adopted the conclusion that "the illegal acts of a dictator are not `official acts' unreviewable by federal courts." *Id.* at 1471 (See also, Jimenez v. Aristeguieta, 311 F.2d 547 (5th Cir.1962), cert. denied, 373 U.S. 914, 83 S. Ct. 1302, 10 L. Ed. 2d 415 (1963).
  - The Ninth Circuit concluded, "Marcos' acts of torture, execution and disappearance were clearly acts outside his authority as President ... Marcos' acts were not taken within any official mandate and were therefore not the acts of an agency or instrumentality of a foreign state within the meaning of the FSIA. [Citation omitted]. No exception to FSIA thus need be demonstrated." *Id.* at 1472.
- [7] A 95% confidence level certainly meets any due process or confrontation claim made by the defendant.
- [8] See Narrative Statement of James Dannemiller, filed with the Court on March 11, 1994.
- [9] This Court appointed Sol Schreiber as the Special Master. Mr. Schreiber graduated from Yale Law School in 1955, and in 1971 began serving as a federal magistrate judge in the Southern District of New York for seven years.
  - Mr. Schreiber has both prior and present experience as a Special Master. Among his appointments in which numerous claimants were involved are the following: (1) the Agent Orange Litigation (Pratt, J. and Weinstein, J., E.D.N.Y. 1982-84); (2) the sex discrimination suit against the City University of New York, in which there were 7,000 class members (Gagliardi, J., S.D.N.Y. 1984\_\_\_\_\_); (3) the Brooklyn Immigration Detention Center (Nicerson, J., E.D.N.Y. pro-bono, 1982-84); and (4) The New York Times sex discrimination settlement (Wyatt, J., S.D.N.Y. pro-

- bono, 1978-83). Presently, Mr. Schreiber is serving as one of two Special Masters in the damages phase of the crash of Pan Am Flight 103 over Lockerbie, Scotland (Platt, J., E.D.N.Y.1995).
- [10] Using the compensatory damages determined for the 137 claimants using the depositions the Special Master then reviewed all 9,541 valid claims and determined his recommendation to the jury of the aggregate damages suffered by each subclass category. The distribution of funds to individual class members was left for later determination by the Court.
- [\*] Editor's Note: Appendices deleted for purposes of publication. These appendices, authored by Special Master Sol Schreiber, appear at 1994 WL 874222.
- [11] Both the execution victim claims and the disappearance claims are treated as wrongful death claims for the purpose of determining damages.
- [12] See Trial Transcript of Sol Schreiber's Testimony at 31 (January 9, 1995).
- [13] Defendant made no objection nor did defendant cross-examine the Special Master application of the Special Master's damages calculations.

#### APPENDIX 2.4

## YUCHENGCO V. SANDIGANBAYAN, G.R. No. 149802

This case—which the Marcoses categorically lost—details a scheme by which the Marcoses set up a foundation through which they held stocks of PLDT. As of this writing, the shares of PLDT reconveyed to the republic via this case are still owned by the republic; efforts to sell to private entities have thus far failed.

#### DECISION

#### CARPIO MORALES, J.:

These five consolidated petitions pray for the mullification of certain issuances of the Sandiganbayan in Civil Case No. 0002, Republic of the Philippines v. Estate of Ferdinand E Marcos, et al.

The complaint in Civil Case No. 0002 (or the case) was filed before the Sandiganbayan on July 16, 1987 by the Republic of the Philippines (the Republic) through the Presidential Commission on Good Government (PCGG) against former President and Mrs. Marcos, their three children, and some other individuals. The complaint was later amended to implead additional defendants.

The case is for the recovery of alleged ill-gotten wealth of the Marcoses, among which are shares of stock in the Philippine Telecommunications Investment Corporation (PTIC): 76,779 shares in the name of Ramon U. Cojuangco, 21,525 shares in the name of Imelda O. Cojuangco, and 111,415 shares in the name of Prime Holdings Incorporated (PHI). PTIC is the biggest stockholder of PLDT, it owning some 28% of the outstanding shares in PLDT at the time Civil Case No. 0002 was filled.

In the course of the proceedings in Civil Case No. 0002, the first three petitions assailing interlocutory orders of the Sandiganbayan were filed before this Court.

Thus, the petitions in G.R. Nos. 149802 and 150320, filed by Alfonso Yuchengco and Y Realty Corporation, complainants-in-intervention in Civil Case No. 0002, assail via petition for certiorari orders and resolutions of the Sandiganbayan denying their motions to suspend trial pending discovery proceedings and to re-set trial dates (with alternative prayer for a change in the order of trial), and declaring them as having waived their right to present evidence.

The petition in G.R. No. 150367, filed by the Republic, assails via petition for certiorari the Sandiganbayan Orders denying its Respectful Motion for Additional Time to Complete the Presentation of Evidence and directing it to submit its offer of evidence within 30 days.

During the pendency of these first three petitions, the Sandiganbayan continued with the proceedings in Civil Case No. 0002, no restraining order enjoining the same having been issued by this Court.

The Sandiganbayan, still during the pendency of the first three petitions, promulgated in Civil Case No. 0002 a Partial Decision on May 6, 2002 the dispositive portion of which reads:

WHEREFORE, premises considered, the complaint of plaintiff Republic of the Philippines on the PLDT shares subject of separate trial is hereby DISMISSED for lack of merit The Motion for Summary Judgment [filed by timelda Cojuangco, et al] is hereby GRANTED, and the Complaint-in-Intervention [filed by the Yuchengcos] DISMISSED.

SO ORDERED. (Underscoring supplied)

The last two of the five petitions at bar, both for review on certiorari, were thereupon filed. The petition in G.R. No. 153207 filed by the complainants-in-intervention Yuchengcos and that in G.R. No. 153459 filed by the Republic, both challenge the Partial Decision.

#### Figure 1. A copy of the case.

*Source:* Supreme Court of the Philippines. 2006. "Yuchengco v. Sandiganbayan, G.R. No. 149802." Republic of the Philippines.

http://sc.judiciary.gov.ph/jurisprudence/2006/jan2006/149802.htm.

Alfonso T. Yuchengco and Y Realty Corporation,

Petitioners, versus The Honorable Sandiganbayan, Fourth Division, Republic of the Philippines, Presidential Commission on Good Government, Estate of Ferdinand E. Marcos, Imelda R. Marcos, Prime Holdings, Inc., Estate of Ramon U. Cojuangco, Represented by Imelda O. Cojuangco, and Imelda O. Cojuangco, Respondents.

G.R. No. 149802

Present: Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, Ji.

X - - - - - X

Alfonso T. Yuchencgo and Y Realty Corporation, Petitioners, versus The Honorable Sandiganbayan, Fourth Division, Republic of the Philippines, Presidential Commission on Good Government, Estate of Ferdinand E. Marcos, Imelda R. Marcos, Prime Holdings, Inc., Estate of Ramon U. Cojuangco Represented by Imelda O. Cojuangco, and Imelda O. Cojuangco, Respondents.

G.R. No. 150320

X ----- X

Republic of the Philippines, Petitioner, versus Hon. Sandiganbayan (Fourth Division), Estate of Ferdinand E. Marcos (Represented by Its Administrator, The Bureau of Internal Revenue), Imelda R. Marcos, Prime Holdings, Inc., Estate of Ramon U. Cojuangco (Represented by Its Administratrix, Imelda O. Cojuangco), Imelda O. Cojuangco, Alfonso T. Yuchengco, and Y Realty Corporation, Respondents.

G.R. No. 150367

X ----- X

Alfonso T. Yuchengco and Y Realty Corporation, Petitioners, versus Republic of the Philippines, Presidential Commission on Good Government, Estate of Ferdinand E. Marcos, Imelda R. Marcos, Prime Holdings, Inc., Estate of Ramon U. Cojuangco Represented by Imelda O Cojuangco, and Imelda O. Cojuangco, Respondents.

G.R. No. 153207

X ----- X

Republic of the Philippines, Represented by the Presidential Commission on Good Government, Petitioner, versus Estate of Ferdinand E. Marcos, Imelda R. Marcos, Imelda (Imee) R. Marcos-Manotoc, Tomas Manotoc, Irene R. Marcos-Araneta, Gregorio Ma. Araneta, III, Ferdinand R. Marcos, Jr., Imelda Cojuangco, Estate of Ramon Cojuangco (Represented by the Administratrix, Imelda

Cojuangco), Prime Holdings, Inc., Alfonso T. Yuchengco, and	1 Y.
Realty Corporation, Respondents.	
G.R. No. 153459	
Promulgated: January 20, 2006	
x	X

#### **DECISION**

#### CARPIO MORALES, J.:

These five consolidated petitions pray for the nullification of certain issuances of the Sandiganbayan in Civil Case No. 0002, Republic of the Philippines v. Estate of Ferdinand E. Marcos, et al.

The complaint in Civil Case No. 0002 (or the case) was filed before the Sandiganbayan on July 16, 1987 by the Republic of the Philippines (the Republic) through the Presidential Commission on Good Government (PCGG) against former President and Mrs. Marcos, their three children, and some other individuals. The complaint was later amended to implead additional defendants.

The case is for the recovery of alleged ill-gotten wealth of the Marcoses, among which are shares of stock in the Philippine Telecommunications Investment Corporation (PTIC): 76,779 shares in the name of Ramon U. Cojuangco, 21,525 shares in the name of Imelda O. Cojuangco, and 111,415 shares in the name of Prime Holdings Incorporated (PHI). PTIC is the biggest stockholder of PLDT, it owning some 28% of the outstanding shares in PLDT at the time Civil Case No. 0002 was filed.<sup>[1]</sup>

In the course of the proceedings in Civil Case No. 0002, the first three petitions assailing interlocutory orders of the Sandiganbayan were filed before this Court.

Thus, the petitions in G.R. Nos. 149802 and 150320, <u>filed by Alfonso Yuchengco and Y Realty Corporation</u>, complainants-in-intervention in Civil Case No. 0002, assail via petition for certiorari orders and resolutions of the Sandiganbayan denying their motions to suspend trial pending discovery proceedings and to re-set trial dates (with alternative prayer for a change in the order of trial), and declaring them as having waived their right to present evidence.

The petition in **G.R. No. 150367**, <u>filed by the Republic</u>, assails via petition for certiorari the Sandiganbayan Orders denying its Respectful

Motion for Additional Time to Complete the Presentation of Evidence and directing it to submit its offer of evidence within 30 days.

During the pendency of these first three petitions, the Sandiganbayan continued with the proceedings in Civil Case No. 0002, no restraining order enjoining the same having been issued by this Court.

The Sandiganbayan, still during the pendency of the first three petitions, promulgated in Civil Case No. 0002 a Partial Decision on May 6, 2002 the dispositive portion of which reads:

WHEREFORE, premises considered, the <u>complaint of plaintiff Republic of the Philippines on the PLDT shares subject of separate trial is hereby DISMISSED</u> for lack of merit. The Motion for Summary Judgment [filed by Imelda Cojuangco, et al] is hereby <u>GRANTED</u>, and the <u>Complaint-in-Intervention</u> [filed by the Yuchengcos] DISMISSED.

#### SO ORDERED. (Underscoring supplied)

The last two of the five petitions at bar, both for review on certiorari, were thereupon filed. The petition in G.R. No. 153207 filed by the complainants-in-intervention Yuchengos, and that in G.R. No. 153459 filed by the Republic, both challenge the Partial Decision.

The incidents that gave rise to the filing of the petitions are stated in the minority[']s dissenting opinion penned by Justice Cancio Garcia which immediately follows this majority opinion. The dissenting opinion substantially reiterates the draft that Justice Garcia prepared which was used by this Court as a working basis for its deliberations.

In issue in these petitions are:

- 1. Whether petitioners in G.R. Nos. 149802, 150320 and 150367 were denied due process when the Sandiganbayan in effect directed them to terminate the presentation of their respective evidence; and
- 2. Whether the Partial Decision being assailed via petition for review in **G.R. Nos. 153207 and 153459**, conforms to the evidence presented, the law and/or settled jurisprudence.

There is no disagreement with respect to the disposition-dismissal by the minority of the first three petitions the first having become moot, and the second and third for lack of grave abuse of discretion on the part of the Sandiganbayan.<sup>[2]</sup> There is also no disagreement with respect to the disposition-denial by the minority of the fourth petition

(G.R. No. 153207) in the absence of reversible error on the part of the Sandiganbayan.

It is with respect to the disposition-denial by the minority of the fifth petition (G.R. No. 153459) insofar as it denied the prayer of the Republic for a judgment ordering the Estate of Ramon U. Cojuangco (Cojuangco), Imelda O. Cojuangco, PHI, their assigns, nominees and agents to reconvey to the Republic 111,415 PTIC shares registered in the name of PHI that the majority does not agree, in light of the immediately following discussions.

The Sandiganbayan having held in its 73-page Partial Decision<sup>[3]</sup> that the Republic has failed to prove that the PLDT shares sought to be recovered are ill-gotten, thus:

... the Republic has failed to provide such proof of authenticity or reliability of the documents offered by it in evidence. Thus almost all the documents offered by the Republic are photocopies, and no effort was undertaken... to submit the originals of said documents, or to have them properly identified, or to otherwise justify the admission of mere photocopies. Not surprisingly, defendants... objected to the admission of the Republic(')s documentary exhibits, citing violation of the Best Evidence Rule (Section 3, Rule 130 of the Revised Rules of Civil Procedure [Rules], the Rules of Presentation of Documentary Evidence (Section 20, Rule 132 of the Rules). The Hearsay Evidence Rule, and the rule as to Purpose/s of Documentary Evidence (Section 34, Rule 132 of the Rules). [41] (Underscoring supplied),

a discussion of the evidence presented in the case is in order.

# FACTUAL BACKGROUND OF PHI AND ITS DEALINGS WITH PTIC

PHI was registered on October 5, 1977 with the following five (5) incorporators: Jose D. Campos, Jr. (son of Jose Yao Campos), Rolando Gapud (Gapud), Renato Lirio (Lirio), Ernesto Abalos (Abalos), and Gervacio Gaviola (Gaviola), with 400 shares each, with a par value of P100 per share. The total amount of capital stock subscribed was thus P200,000.00, P50,000.00 of which was actually paid. [5] Its place of business was at 66 United Street, Mandaluyong, Metro Manila. [6]

The five PHI incorporators, in their capacity as stockholders, elected themselves as directors on October 10, 1977. On even date, they elected the following as officers of the corporation:

Rolando C. Gapud – President

Jose D. Campos, Jr. - Vice-President

Gervasio T. Gaviola – Treasurer

Francisco G. De Guzman – Secretary

Rodolfo R. Dimaano – Assistant Secretary

Meanwhile, 54,349 shares in another corporation, PTIC, were contributed to and/or abandoned by one of its stockholders, General Telephone and Electronics (GTE), an American corporation, in favor of PTIC.

On December 20, 1977, the PTIC Board of Directors resolved to sell such 54,349 shares to its stockholders in proportion to their holdings.<sup>[7]</sup> No stockholder, apart from Cojuangco, PTIC President and member of its Board of Directors, expressed interest in purchasing the shares.<sup>[8]</sup> All the 54,349 shares were then transferred to his name.

Cojuangco and Luis Tirso Rivilla (Rivilla), another stockholder of PTIC, together with PHI President Gapud, forged an agreement dated January 27, 1978 referring to the various discussions during which [Cojuangco and Rivilla] offered to sell and [PHI] agreed to purchase partially paid subscriptions and common shares of [PTIC]. [9] The agreement which indicated the basic terms and conditions of the transaction states that the number of PTIC shares which Cojuangco and Rivilla were prepared to sell to PHI was 111,415 common shares representing 46.1250% of the subscribed and outstanding shares of PTIC.

On April 20, 1978, the PTIC Board of Directors granted Cojuangco and Rivilla authorization to transfer their PTIC shares to PHI. [10]

Cojuangco thereafter ceded to PHI <u>77,719 PTIC shares</u> registered in his name via two separate deeds of assignment both dated May 2, 1978, one for 44,023 shares and the other for 33,696 shares. Rivilla likewise conveyed <u>PTIC 33,696 shares</u> registered in his name to PHI via a deed of assignment also dated May 2, 1978. Thus, <u>a total of 111,415 PTIC shares</u> was transferred to PHI on May 2, 1978.

Gapud and Jose D. Campos, Jr. later assigned all their shares in PHI (400 shares each) to Cojuangco and PTIC Director Oscar Africa (Africa), respectively, via two separate deeds of assignment dated February 18, 1981. [13]

On May 9, 1981, Cojuangco and Africa were elected directors of PHI, replacing Gapud and Jose D. Campos, Jr., while the other directors Lirio, Abalos, and Gaviola remained as such. [14] On even date, Cojuangco and Africa were elected by the PHI Board of Directors as

President and Vice-President, respectively, while de Guzman and Gaviola remained as Secretary and Treasurer, respectively. [15]

Subsequently, by Deed of Assignment [16] dated June 1983 (the day is not indicated), Africa transferred all his 400 PHI shares 240 to Antonio Cojuangco and 160 to Trinidad Cojuangco Yulo. On even date, the remaining incorporators on the board of directors Lirio, Abalos, and Gaviola each executed a deed of assignment transferring their PHI shares to members of the Cojuangco family. Thus Lirio transferred 240 shares to Antonio Cojuangco and 160 to Trinidad C. Yulo; Abalos transferred 320 shares to Ramon O. Cojuangco, Jr. and 80 to Miguel O. Cojuangco; and Gaviola transferred 320 shares to Ma. Victoria O. Cojuangco Yulo and 80 also to Antonio Cojuangco.

#### **BENEFICIALOWNERSHIP OF PHI**

Significantly, respondents in G.R. No. 153459, namely: Estate of Ramon Cojuangco, Imelda O. Cojuangco, PHI, and Imelda R. Marcos all agree with petitioner Republic that PHI has an undisclosed beneficial owner, their only disagreement being who this owner is.

The Cojuangcos and PHI in their Comment proffer that the beneficial owners are the Cojuangcos, arguing as follows:

x x x The unsupported allegation that President Marcos owned the disputed shares in PLDT, PTIC and PHI <u>may</u> perhaps explain the <u>circumstances surrounding PHIs incorporation</u>, why PTICs stockholders were disinterested in purchasing PLDTs shares in 1977, why PTICs stockholders waived their right of first refusal in 1978, why there are no proper entries in PHIs Stock and Transfer Book, or why the subject shareholdings were not included in Ramon U. Cojuangcos Estate inventory. However, the converse syllogism is not true the details of PHIs incorporation, or the fact that PTICs stockholders were disinterested in purchasing PLDTs shares in 1977, or that PTICs stockholders waived their right of first refusal in 1978, or that there are no proper entries in PHIs Stock and Transfer Book, or that 400 PHI shares were not included in Ramon U. Cojuangcos Estate inventory do not necessarily establish that President Marcos owned the subject shares in PHI, PTIC and PLDT.

These circumstances show that PHI had an undisclosed principal and beneficial owner. Subsequent events, i.e. the assignment of shares in 1981 and 1983, reveal and confirm that Mr. Ramon U. Cojuangco and his family were the principal and beneficial owners of PHI, and, corollarily,

the subject PHI, PTIC and PLDT shares, not President Marcos. [20] (Emphasis, italics and underscoring supplied)

Imelda Marcos, on the other hand, consistent with the theory of petitioner Republic, claims that she, her late husband President Marcos, and their family were the beneficial owners of PHI, alleging in her Cross-claim filed before the Sandiganbayan as follows:

6.1 PHI was incorporated to serve as the holding company of all the PTIC shares owned by Mr. and Mrs. Marcos and family, in addition to those being held by trustees/nominees like defendants Ramon and Imelda Cojuangco. For this purpose, PHI was organized with the following as incorporators, all of whom were the trustees/nominees of the Marcoses:

Jose D. Campos — 400 shares Rolando C. Gapud — 400 " Renato E. Lirio — 400 " Gervaso T. Gaviola — 400 " <u>Ernesto S. Abalos — 400 "</u> Total — 2,000

#### X X X X

7. Considering that the incorporators of PHI admittedly held the PHI shares registered in their respective name[s] for and in behalf of Mr. and Mrs. Marcos and family, which trust relationship continued even with respect to the incorporators nominees, no third party, including defendants Ramon and Imelda Cojuangco, could have lawfully and rightfully acquired any right over of (sic) said shares in their own right. [21] (Emphasis and underscoring supplied)

<sup>&</sup>lt;sup>11</sup> Rollo (G.R. No. 153459), p. 14.

The majority takes exception, however, to the minority observation in its discussion of **G.R. No. 150367** that the Republic[']s bid to have Imelda Marcos on the witness stand seems to imply that it cannot prove its case without such testimony, and other statements of similar import.

<sup>[3]</sup> Rollo (G.R. No. 153459) Vol. I, pp. 9-81.

<sup>14</sup> Id. at 39.

<sup>[5]</sup> Rollo (G.R. No. 153459), Vol. IV, p. 2594 and 2600.

<sup>[6]</sup> Id. at 2606.

<sup>171</sup> Id. at 2623-2624.

```
|8| Rollo (G.R. No. 153459), Vol. III, p. 1730.
|9| Id. at 1734.
|10| Id. at 1738-1739.
|111| Id. at 1438-1437.
|112| Id. at 1438-1439.
|113| Id. at 2320-21.
|114| Rollo (G.R. No. 153459), Vol. IV, p. 2564.
|115| Rollo (G.R. No. 153459), Vol. III, p. 2325.
|116| Id. at 2322.
|118| Id. at 2324.
|119| Id. at 2323.
|120| Rollo (G.R. No. 153459), Vol. IV, p. 2876.
|121| Rollo (G.R. No. 153459), Vol. I, p. 432-433.
```

# PREPONDERANCE OF EVIDENCE LIES WITH THE REPUBLIC

Clearly, the Republics thesis that President Marcos is the beneficial owner of PHI is deduced from established facts which, weighed by common experience, engender the inference as a very strong probability.<sup>[53]</sup> Only a Marcos ownership can make sense of the circumstances surrounding the origins of PHI, especially its close ties with UNILAB and the Camposes.

Only a Marcos ownership of PHI can plausibly account for the substantially corroborated admissions of Campos and Gapud that they organized PHI in behalf of Marcos. Indeed, even the minority had to acknowledge that Gapud was a mere nominee, merely denying that his principal was Marcos, contrary to Gapuds['] own admission. However, perhaps unable to account for the undeniable fact that all the incorporators of PHI are Campos associates, the minority implies that the true owner was neither Marcos nor Cojuangco, but Campos himself contrary to the Cojuangcos['] submission that *Ramon Cojuangco* was the beneficial owner, and to Campos['] admission that he organized PHI for *President Marcos*.

Moreover, the thesis that Marcos owned PHI is able to make more sense of the <u>undisputed</u> assignment of PTIC shares to PHI by Cojuangco. If PHI were beneficially owned by Cojuangco, then the transfer of these PTIC shares to PHI would merely have been a transfer to himself. On the other hand, on the thesis that PHI is beneficially owned by Marcos, the assignment thereof to PHI was a transfer from Cojuangco to President Marcos.

On the basis of the evidence, therefore, President Marcos owned PHI and all the incorporators thereof acted under his direction. Once this is acknowledged, the following conclusions inevitably follow:

- 1. Cojuangco was elected President and took over the management of PHI in 1981 with the cooperation of the Marcos nominees who, it must be emphasized, still held the majority stockholding as of that date;
- 2. As the remaining incorporators on the Board divested their shares only in 1983, Cojuangco managed a Marcoscontrolled corporation for at least two years;
- 3. The simultaneous divestment of shares by the three remaining incorporators on the Board to Cojuangco[']s close relatives in 1983 were with the knowledge and authorization of their principal President Marcos.

Clearly, all these circumstances mark out Cojuangco either as a <u>nominee</u> of Marcos as was Gapud whom he replaced as President of PHI or, at the very least, a <u>close associate</u> of Marcos. As such, the PCGG which is charged, under E.O. No. 1<sup>[54]</sup> issued by President Aquino pursuant to her legislative powers under the Provisional Constitution, with assisting the President in regard to, *inter alia*,

The recovery of all <u>ill-gotten wealth</u> accumulated by former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and <u>close associates</u>, whether located in the Philippines or abroad, including the takeover or sequestration of all business enterprises and entities owned or controlled by them, during his administration, directly or through <u>nominees</u>, by taking undue advantage of their public office and/or using their powers, authority, influence, connections or relationship<sup>1551</sup> (Underscoring supplied),

can and must recover for the Republic the 111,415 PTIC shares being held by PHI, they bearing the character of ill-gotten wealth whether they be in the hands of Marcos or those of Cojuangco.

On the other hand, respecting the thesis that PHI was, from its inception, beneficially owned by Ramon Cojuangco, the Cojuangcos can only point to the deeds of assignment of PHI shares to members of their family as confirming the same. The Sandiganbayan considered these deeds as competent evidence, as opposed to the purported lack of such evidence on the part of the Republic. The most these deeds could show, however, is that the Cojuangcos acquired PHI shares in

the years 1981 and 1983, long after the 111,415 PTIC shares were acquired in 1978 by PHI. On the decisive question of whether the incorporators who organized PHI in 1977 acted as Marcos (or Cojuangco) nominees, these deeds are absolutely silent.

In marked contrast, the testimonies of Campos, Gapud, and de Guzman, persons who actually participated in the formation and early years of operation of PHI, constitute evidence that directly addresses the critical issue.

Indubitably, the preponderance of evidence lies with the Republic.

\*\*\*\*\*

#### **EPILOGUE**

In *PCGG v. Pea*, this Court, describing the rule of Marcos as a well-entrenched plundering regime of twenty years, <sup>[59]</sup> noted the magnitude of the past regimes organized pillage and the ingenuity of the plunderers and pillagers with the assistance of the experts and best legal minds available in the market. <sup>[60]</sup> The evidence presented in this case reveals one more instance of this grand scheme. This Court guardian of the high standards and noble traditions of the legal profession has thus before it an opportunity to undo, even if only to a certain extent, the damage that has been done.

WHEREFORE, the petition of the Republic of the Philippines in G.R. No. 153459 is GRANTED to the extent that it prays for the reconveyance to the Republic of 111,415 PTIC shares registered in the name of PHI. The petitions in G.R. Nos. 149802, 150320, 150367, and 153207 are DENIED for lack of merit.

#### SO ORDERED.

```
<sup>[59]</sup> No. L-77663, April 12, 1988, 159 SCRA 556, 574 (1988).
```

<sup>[53]</sup> Joaquin v. Navarro, supra.

LEATING THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT, promulgated February 28, 1986.

<sup>[55]</sup> Section 2.



#### APPENDIX 2.5

## CHICO RIVER-BASIN DEVELOPMENT PROJECT

This is a petition, signed by more that 1,000 Kalingas, which lists the various documented abuses of the 60th Philippine Constabulary Strike Force Battalion as of 17 November 1978 in the Kalinga-Apayao region. The prayer of the petition is the transfer of the 60th PC. They were pulled out by the end of 1978 (Cariño 1980, 10).

Reference

Cariño, Joanna. 1980. "The Chico River Basin Development Project: A Case Study in National Development Policy (An Update)." Agham-tao 3: 1-25.

# THE CHICO RIVER BASIN DEVELOPMENT PROJECT A SITUATION REPORT

Joanna Cariño, Jessica Cariño, and Geoffrey Nettleton\*

#### INTRODUCTION

The present paper is both long and at the same time inadequate. Its purpose is to serve as a basis for present discussion and further research. One of the major constraints that has emerged as part of its preparation is the general inadequacy of available information concerning this project in particular, and development projects in general. Reference is made at several points in the following report to this lack of information. Hopefully, after this dialogue we will be able to fill in some of these gaps to gain a clearer and broader perception of the difficulties of development.

Figure 1. From the first page of the report.

Source: Cariño, Joanna, Jessica Cariño, and Geoffrey Nettleton. 1979. "The Chico River-Basin Development Project: A Situation Report." Aghamtao 2:37-103.

http://lynchlibrary.pssc.org.ph:8081/bitstream/handle/0/3529/09\_The%20Chico%20River-Basin%20Development%20Project%20A%20Situation%20Report.pdf?sequence=1.

APPENDIX A

November 17, 1978, Tabuk Province of Kalinga-Apayao

President Ferdinand E. Marcos Malacañang Palace, Manila

Dear Mr. President,

We most respectfully submit to you the various atrocities committed by the soldiers of the 60th P.C. Strike Force Battalion enumerated below, and in like vein, we most respectfully petition that the 60th P.C. be withdrawn and reassigned away from the Province of Kalinga-Apayao.

And because of this petition and report, we write in great fear that the members of the 60th P.C. will be more oppressive; defenseless as we are your little people, we are those who have suffered the violent acts and indignities perpetrated by the very people you have commissioned to protect our persons, rights and integrity.

Mr. President, the climate of fear had become engrained in the collective feelings and ethos of the people of Kalinga-Apayao that the mere mention of the word "60th" evokes morbid apprehensions corrosive of our human dignity and finer virtues. It is even said that retributive justice could not be attained by complaining of their acts and this is said not without foundation - illustrative of this are the cases against the two soldiers (Bulan and Villanueva) who mauled Ireneo Uyam, the provincial Agriculturist, and who disrupted official functions and created great panic by their belligerent acts of threats and intimidation at the Provincial Capitol of Kalinga-Apayao - The Provincial Officials submitted affidavits and sworn testimonies upon which were based criminal charges of Slight Physical Injuries and Alarm and Scandal and this filing of criminal cases coupled by the righteous indignation of Kalinga officialdom was acclaimed and greeted with approval by the long suffering public. However, not very long after, the dismaying news, later confirmed by the Court records, reports that the cases against the two soldiers were dismissed on affidavits of desistance filed and submitted by the very Public Officials who initiated its filing mainly due to suggestions made by the Military and for fear of reprisals, they withdrew their complaints against the soldiers.

Mr. President, we supplicate your presidential ire and appeal that you order the immediate withdrawal of the 60th PC Battalion far from Kalinga-Apayao; we ask that you direct the prosecution of all erring soldiers triable in the Civil Courts; we implore you not to send any Task Force of PC Battalion in our beleaguered Province, but instead, the local Provincial Com-

mand, the 114th PC be augmented under the unified command of the present Provincial Commander, Lt. Col. Pablo Cacanindin.

And although we are in fear, we sign encouraged that this petition, submitted with intense warmth and fervent hopes, will merit your attention and that you will grant most desired relief, coming as it does from your little people of Kalinga-Apayao.

## SOME INCIDENTS SUPPORTING THE PEOPLE OF KALINGA IN THEIR BRIEF AGAINST THE 60th PC STRIKE FORCE BATTALION

- 1. RUBEN TA-ILAN, alias "Liwanag", a young farmer from Barlig, Mountain Province, then residing at Bulanao, Tabuk, Kalinga-Apayao, known to be off-his-rockers now and then, hiked from Tabuk to Tomiangan, Pasil, where he was stopped by elements of the 60th PC Battalion and delivered to the PC barracks at Lubuagan, which was done, by entrusting the live body of said Ta-ilan to Lt. Osias, Lt. Macatangay, and a certain Mangolabnan. According to informants, he was taken into custodial interrogation as an NPA suspect. In the early morning of January 12, 1978, his dead body was found sprawled and dumped on the roadside some kilometers away from the Lubuagan Poblacion, with multiple stab wounds. The dead corpse created widespread sensation because it remained unidentified for 10 days and more. In the meantime that people from all over the Mountain Provinces made attempts to identify the dead corpse, speculations and wild rumors flew around and centered on past misdeeds of the 60th PC Thus was born the people's dread for the 60th PC soldiers
- 2. ABRA TINGUIANS Within the wake of the Ta-ilan case, some Abra tribesmen came to Lubuagan for the precise purpose of renewing the terms of the Pagta and warming the peace pact bonds with people of Lubuagan; also, they came to make identification whether the corpse was one among their members, and if so, to claim the same. These same people were detained and manhandled by soldiers of the 60th P.C. on suspicion of being NPA and were brought to Bulanao where they were eventually released. This matter reached higher AFP authorities and although a full dress investigation was ordered, none was even conducted because these Abra tribesmen never came back for fear of reprisal.
- 3. ERNESTO GUEVARA, a blind singer of the Kowloon Restaurant at Poblacion Tabuk, was mauled by drunken men of the 60th PC on April 3, 1978 and the man pointed out as the assailant was pointed out and identified as L. Bernie Manangbao who was charged in the Municipal Court of Tabuk for Slight Physical Injuries.

- 4. FEDERICO JAVIER, a municipal employee assigned in the Mayor's Office, on May 2, 1978, was kidnapped by soldiers and his dear body was found 3 days after several kilometers away from Tabuk Poblacion. His mangled body showed tell-tale marks and evidence of torture before he was shot and killed. A case of kidnapping with murder was filed against the prime suspects, 2nd Lt. Clodualdo Tusi and Dionisio Mercado, both of the 60th PC and a certain Alex Paraiso, an NPC employee, which case is now pending preliminary investigation with the Municipal Court of Tabuk.
- 5. MAYOR RICARTE S. QUINSAAT, on June 2, 1978, was harassed and threatened by members of the 60th PC inside Virginia Restaurant. A great panic resulted but according to the Police, the incident was amicably settled.
- 6. BASILIO SALIBAD, a resident of Poblacion, Tabuk, was a near victim of kinapping and, possibly, murder, on the night of July 9, 1978, when he was grabbed by elements of the 60th PC led by a certain Captain Guillano who said to Salibad in Tagalog: "Bata ka ni Mayor Quinsaat, ano? Uubusin namin kayo lahat, pati ang Mayor na 'yan!" (Rio Chico F & A.M.P. Lodge's Petition to President Marcos, July 22nd, 1978, for withdrawal of the 60th battalion from Kalinga-Apayao).
- 7. THE LIFE SIZE STATUE OF JOSE RIZAL, erected on the stage in front of the Municipal Hall of Tabuk, awaiting to be placed on its permanent pedestal was badly destroyed by drunken elements of the 60th P.C. Both arms were battered and removed from the body. That act was witnessed by Pat N. Dapasen who was on guard that night but was afraid to prevent the destruction because he was alone and the soldiers were many (Rio Chico Lodge Petition, supra).
- 8. PAGAT GA-AY, a balsahero ferrying people for a fee going to and from Balawag, Tabuk, at the Chico River, was shot on the face on July 15, 1978, causing a penetrating wound going through one cheek to the other, by a member of the 60th battalion who refused to pay his fare.
- 9. EDWARD MALIDOM, while on his way from Bulanao to his home at Appas, Tabuk, was met and mauled by members of the 60th P.C. on July 16, 1978. He suffered multiple contused wounds.
- 10. RICARDO OLIDAN, a Minister of the Church of Christ at Poblacion, Tabuk, was spanked, threatened and subjected to other indignities by soldiers of the 60th P.C. when he tried to collect payment for pictures taken by him and which incident is reported in the Police Blotter, dated July 18, 1978.
- 11. EMILIO TAMAYO, a driver, who on July 19, 1978, was mauled and pistol whipped for refusing to be commandeered to ferry some soldiers

of the 60th P.C. from Poblacion to Bulanao as it was already very late in the evening, out of the usual time for making trips to Bulanao.

- 12. IVAN CARINO, a son of Provincial Fiscal Carino was harassed and threatened by drunken soldiers of the 60th P.C., inside Zeny's Restaurant on July 21, 1978.
- 13. INP FERNANDO POLIG, a policeman on duty in the Municipal Presidencia, attempted to pacify the above drunken soldiers at Zeny's place when more members of the 60th P.C. in civilian attire appeared and the leader, identified as Major Cabigas, ordered his men to disarm Polig. The latter, who was in uniform and armed with an armalite stood his ground and warned any against coming near him. None dared and the timely arrival of the Provincial Commander, Col. P. Cacanindin, thwarted what could have been a bloody confrontation. This incident happened right at the back of the Presidencia and in full view of many people on July 21, 1978, a Friday and a market day.
- 14. FISCAL DIONISIO FALGUI, in the evening of July 30, 1978, while his workers were resting after having piled the day's harvest, soldiers of the 60th P.C. entered into the Falgui compound and started pummeling them with fist blows and threatened to kill them. To back their words, they fired several shots in the air. Fiscal Falgui was called and he tried to appease them and despite having identified himself, the soldiers became more mischievous and enraged; they poked their guns several times on his body saying that he will be killed. Early the next morning, Fiscal Falgui reported the incident to the Battalion Commander (Col. Solomon), and while there, the same soldiers came back and repeated their atrocious acts the night previous. One of the victims was even sick, but this did not exempt him. All were taken to the 60th P.C. camp at Bulanao; three soldiers were identified as Sgts. Mendoza, Gaddi, and Medina. Fiscal Falgui's complaint and investigation was taken by Col. Sarmiento of the Inspector General's Office.
- 15. ANTONIO ODIEM, a son of Governor Tanding Odiem, in the afternoon of August 18, 1978, was mauled and given rifle butt strokes and these punishments were administered because he had no Driver's license in his possession as he forgot it at home. He was forced at the point of guns to take the soldiers to Tomiangan; only three were identified, Coronado (First name only), Dingli, and Fabillar the two others could not be ascertained, but all are members of the 60th P.C. Battalion.
- 16. CAPTAIN ROGELIO JARAMILLA, On August 26, 1978, P/Major Ricardo G. Mayangao, Deputy Police Superintendent for administration and Concurrent Officer-in-Charge went to verify and investigate a reported incident that occurred at the Kowloon Restaurant on the evening of August

- 25, 1978, and found out that two P.C. Soldiers of the 60th P.C. Battalion in the persons of Sgt. Vicente (Cabanaoan) and C2C Severino Jodloman of the 60th P.C. and members of the 114th P.C. Command and other civilians were having a drinking spree inside the establishment where the incident took place and as a result thereof a gun was fired. However, no one was hurt except 22C Jodloman who was hurt on the face due to fist blows during the incident and Capt. Rogelio Jaramilla, Asst. Provincial Commander was hurt on his mouth. Case now under investigation at 114th P.C. and under Preliminary Investigation by the Provincial Fiscal filed by said Capt. Jaramilla against Sgt. Cabanaoan and C2C Jodloman for Assault on an agent of a Person in Authority (Certification Report of Major Ricardo G. Mayangao, dated September 1, 1978).
- 17. IRENEO UYAM, provincial Agriculturist of the Province of Kalinga-Apayao, for no apparent reason, was mauled by two drunken trooopers of the 60th P.C., in front of the Provincial Capitol of Kalinga-Apayao in the afternoon of July 31, 1978. Irate bystanders repelled the two soldiers who retreated and left the scene.
- 18. THE CAPITOL STAMPEDE. The two (2) soldiers cited above, later came back to the provincial Capitol in search of Mr. Uyam and his defenders, and they were back in full battle gear regalia. These two, identified as Roger Bulan and Roman Villanueva, through threats and by brandishing their long arms and aiming it at anyone on sight, created a pandemonium of fear, panic, anxiety and people running and scampering for safety. Criminal charges of Slight Physical Injuries and Alarm and Scandal had been filed against them in the Municipal Court of Tabuk.
- 19. RUBEN GAYYAD, a farmer, while waiting for a ride at the waiting shed at Poblacion, Tabuk, on September 3, 1978, mistook a passing vehicle for a passenger Fiera, by flagging it to stop; the vehicle obliged and took him in and to his surprise and regrets, it was the 60th P.C. Fiera and was full of soldiers who took turns hitting him for having the temerity to ride with them. They dropped him at Bulanao, only after having divested him of the \$\mathbb{P}80.00\$ which was his week's earning working the land of Mrs. A. Claver.
- 20. GREGORIO KIBAD, a professional driver operating the truck of Atty. Warren E. Luyaben, was mauled by two (2) members of the 60th P.C., who claimed to be bodyguards of Col. Solomon. These two were enraged when Mr. Kibad demonstrated and made clear his intent of not taking them as riders in his truck fully loaded with cement because it was dangerous having soldiers in uniform riding his truck as it might attract NPA's who may ambush them. The truck was about to leave the compound of the Rock and Dirt Co. where Col. Solomon, the 60th P.C. Bn. Commander, stays and resides; this truck was on its way to Batong Buhay and the two soldiers were

going to Tomiangan, Pasil. Mr. Kibad was permitted to leave but then they again followed and intercepted it and brought it back to the compound where they subjected said Mr. Kibad to further punishment. The truck of Atty. Luyaben was impounded and released only after a week when said Atty. Luyaben went to claim it. The truck's battery was changed with an inferior battery.

- 21. BAWINTA KO-AN was forced at gun point to part with his hen that was hatching eggs by a 60th P.C.
- 22. PEDRO BANGEG reports that soldiers of the 60th P.C. took his pregnant carabao, brought it to the fields and shot it, taking the carcass to their camps.
- 23. SUMA-IL OF GAOGAO reports that his herd had been systematically shot at by soldiers of the 60th P.C. and says that at least 37 heads are now missing. He further alleged that when a member of the 60th P.C. got married, some soldiers just went to his pasture, shot one and brought same to their camps.
- 24. FATHER GAVINO MADRIAGA, CICM on November 3, 1978, was then wearing his cassock and stole, as Parish Priest of Tabuk, going to Goodwill Hospital, to administer confession when he was accosted by soldiers of the 60th PC, and when he identified himself as a priest, one of the soldiers hit him twice on the head with his open palm and the other, identified as 2nd Lt. Clodualdo Tusi, walloped him with a .45 calibre pistol with which the said Lt. Tusi threatened to shoot him. Father Madriaga had to plead for his life and his having been pistol whipped was witnessed by several students who were then coming out from a nearby protestant school. It will be noticed that said 2nd Lt. Tusi is the same officer who is involved in the Javier case of Kidnapping with Murder and who is supposed to be in the Military Stockade.
- 25. EDWARD M. BELANDRES, alias "Buster", was manhandled and mauled by drunken elements of the 60th P.C. at the Kowloon Restaurant on the night of the 3rd of November, 1978. His only fault was that he was at the counter when these soldiers were forcing a reduction of the beer they drunk.
- 26. A NIA DRIVER was mauled and kicked, right at the NIA Office's gate at Bulanao, on November 6, Monday morning, by members of the 60th P.C., in full view of other co-employee of the NIA.
- 27. MAYOR JADSAC of Pudtol, Apayao reports that members of the 60th P.C. are creating alarm and scandal in his municipality by indiscriminate firing and show of force against the civilian populace. When report was made

to the Provincial Commander, the latter impressed that he is unaware of the presence of 60th P.C. soldiers in Apayao. It was explained that they are their augmentation security for NAPOCOR People.

- 28. INP ANDY SANTIAGO of Pudtol Police Sub-Station was disarmed and detained while escorting prisoners to Kabugao Municipality by soldiers of the 60th P.C., and despite exhibition by said Andy Santiago of his Memorandum Receipt for the Carbine rifle and his Mission Order, his rifle was confiscated. It is also reported that this same Unit of 60th P.C. soldiers are interfering with police functions and disrupting the peace and order of Pudtol.
- 29. CYRIL KOTOKEN, a son of Sangguniang Panlalawigan Kagawad Carlos Kotoken, was arbitrarily detained from November 6 through 9, 1978 and which case is under investigation.
- 30. INP LAFREDO OSWAY, of the Pasil INP Sub-Station, was disarmed by Major Amparo Cabigas at Tomiangan, Tabuk, on November 14, 1978.

Done this 17th day of November, 1978, at Tabuk, Kalinga-Apayao, Philippines.



#### APPENDIX 2.6

## SELECTIONS FROM PHILIPPINES: TESTIMONIES ON HUMAN RIGHTS VIOLATIONS

In addition to the appendix 2.5, these selections (Mercado and Dimanaran 1986, 66–69) show the variety—in terms of methods (torture to hamletting), victims (an individual clergyman to entire barangays), and geographic scope (from Luzon to Mindanao)—of victims of military abuses during the Marcos regime. It should be noted that all of these violations happened *after* martial law was supposed to have been lifted on 17 January 1981.

#### REV. ROMEO BUENAVIDEZ

The Church in the Philippines is not immune to state repression. Priests, pastors, nuns and lay-workers who help the poor and the oppressed have been looked upon with suspicion. Some have been received violent treatment from the military; Fr. Tullio Favali and Pastor Potenciano Ejano were both brutally murdered; Fr. Rudy Romano was abducted by military men; Frs. Edicio de la Torre and Teodoro Remigio continue to languish in jail. The list of victims from the religious sector continues to lengthen.

Below is the affidavit of Reverend Romeo Buenavidez, pastor of the United States of Christ in the Philippines in Santiago, Agusan del Sur. Pastor Benavidez was arrested for no apparent reason and was tortured while under detention on the mere suspicion that he was a rebel.

The Tanodbayan (ombudsman in a resolution on the case, recommended the prosecution of Candido Sotto, barangay captain, and Sgt. Angelio Artizado for unlawful arrest, robbery and unnecessary violence and arbirtrary detention, and Lt. Fabio Guantero for arbitrary detention. However, the charges for serious physical injuries were dropped allegedly for insuffiency of evidence despite a medical report confirming the injuries of Pastor Buenavidez and the corroborative statements of other witnesses. Pastor Buenavidez's statement follows:

# Elestimonies on Elyman 
Affidavits and witness accounts have been collected by the Black Book Project Committee convened by the Rev. La Verne D. Mercado, General Secretary of the National Council of Churches in the Philippines and Sister Mariani C. Dimanaran, Chairperson of Task Force Detainees of the Philippines

Commission of the Churches on International Affairs
World Council of Churches
1986

Figure 1. Front matter of the book.

Source: Mercado, La Verne D., and Mariani C. Dimanaran. 1986. *Philippines: Testimonies on Human Rights Violations*. Geneva: Commission of the Churches on International Affairs of the World Council of Churches.

"I have been a pastor in Surigao since 13 June 1980.

In the afternoon of 2 August 1981, Sunday, I attended a conference of the JJACOBS Cooperative Parish in preparation for the fellowship of the members of the cooperative parish in the area. The conference was at the house of Mr. Adriano Monoy. It started at about 3:30 p.m. and was attended by Pastor Pencelito Moran, Pastor Jesus Mosende, Mr. Adriano Monoy, Mr. Evangeline Morales, Mr. Porfirio Manoy, Mrs. Nimfa Morano, Mrs. Geronima Dagon-ay and myself. JJACOBS represent the Jaliobong, Jabonga, Colorado, Bangonay and Santiago parishes.

The Conference ended at about 5:00 o'clock in the afternoon. Immediately after the conference, I, Pastor Pencelito Moran, Mr. Porfirio Monoy, Mrs. Nimfa Morano and Mrs. Geronima Dagon-ay went to the yard of Mr. Evangelino Morales where we waited for transportation to our respective destinations. I was bound for Santiago where I am stationed while the others were bound for Colorado.

While we were waiting, I was approached by the Barangay Capatain of Bangonay, Candido Sotto. At first he held my arm and told me to come with him. When I turned to face him, he grabbed my collar and shirt, aimed a pistol at me, and said: "Arestado ka?" (You are under arrest!). I asked him what crime I had committed. He answered that I was a traitor. I told him that I am pastor of the United Church of Christ of the Philippines and I had not committed any crime. He however, persisted, pulled me and brought me to a place by the road where I was made to sit on a bench. He gave the pistol to another person who pointed it at my head. The barangay captain took hold of an Armalite and aimed at me.

Mr. Porfirio Monoy tried to intervene by asking the barangay captain what it was all about, but he was told, guns aimed at him and the others, not to follow us. My companions could not do anything.

From the bench where I was made to sit, I was brought inside the house of the barangay captain. I was interrogated and threatened. He poked his Armalite rifle at me and said 'Mao na kini and imong katapusan Do'. (This is now your end). He kept on insisting that I was a rebel. When I insisted that I was not a rebel not had I committed any crime, he slapped and punched me. There was a soldier in civilian clothes who also struck me in different parts of the body.

I was confined there for about an hour. From his house, the barangay captain brought me to the guardhouse of the 37<sup>th</sup> PC Batallion near the junction of the National Highway and Jabonga Road. In the guardhouse, I was guarded by a man whom the others

addressed as Sergeant, together with five or six other men in a fatigue pants and T-shirts.

Then they interrogated me. They told me to admit that I was a rebel. They took turns slapping me, hitting me with their fists and kicking me in the different parts of the body. The sergeant punched me at the side, stepped on my thigh and kicked me on the breast and elsewhere. He repeatedly told me to confess and everytime I denied this charge, he would hit me. Later the sergeant took off his shirt as he was already perspiring. He got a wet towel, rolled it tight and used it to hit my head with everytime I told him that I was not a rebel. It was painful and I almost lost consciousness. I even heard somebody suggest that I be 'salvaged', meaning liquidated.

I did not know the names of my torturers, but I was told later that they belonged to the  $57^{th}$  PC Batallion stationed at that time in Bangonay.

Later, four persons were brought before me. Based on their appearances, I believe that they were farmers. At first two were brought before me. They were asked by the sergeant and the barangay captain to identify me. The farmers answered that I was the pastor of a church. The sergeant and his men were not satisfied with these answers. They insisted that the farmers state that I was a commander of the rebels. When the farmers refused, they were beaten in the same manner that I was . They were slapped, punched and kicked by the same people who had maltreated me. One farmer vomited blood as a consequence. Then two other farmers were brought before me, they too were interrogated and beaten.

I did not know the farmers then. It was only later that I learned that their names were Wilhelmo Montil, Avelino Dingding, Criso Dingding, and Boni Langquino.

During my interrogation, Barangay Captain Sotto took my Seiko wristwatch. The sergeant took my wallet containing P300.00 cash. The interrogation lasted about two hours.

Together with the four farmers, we were brought to the poblacion of Jabonga in a police jeep and placed in the municipal jail. While in jail, I was again interrogated by a man in civilian clothes armed with rifle.

After an hour, I was taken out of jail and made to ride another jeep accompanied by nine men including the driver and the barangay captain. When we reached Bangonay, the barangay captain and three men disembarked. When we reached Sumilihon, a Barangay in Butuan

City, another person alighted. Then we proceeded to Butuan City proper and when we reached an abandoned gasoline station in front of Banco Filipino, I was blindfolded.

I do not know the place where I was brought. They removed my blindfold when I was inside the bathroom of a house. They placed a cot covered with a raincoat inside where I was made to lie down.

I only knew the name of the group's leader when I was surrendered to the judge. He is Lt. Fabio Quantero of the Military Intelligence Group. However, his group was not the same group which maltreated me at the guardhouse.

I was confined in the bathroom from Sunday night to early Thursday morning when I was made to ride a jeep lying down on the back seat with my hands tied.

One of the men who guarded me while I was in the bathroom threatened to poison my food and make me drink acid if I did not admit my connections with the rebels. He also punched me several times. Once he took a knife and poked it at my stomach, breast and neck, just under my chin. I suffered a slight wound. He claimed that some of his relatives had been killed by rebels in Tungao. I told him that I had nothing to do with the rebels.

In that long Thursday morning trip, I could not determine our destination as I could only see the top of the trees as I was lying down. We stopped once to eat but I was not allowed to get out of the jeep. After some time I was again blindfolded. When it was removed. I found myself inside an office where there were people in civilian clothes.

Later, I was again blindfolded because they said that their boss would interrogate me. Obviously, they did not want me to see the face of their chief. However, I heard somebody suggest that my blindfold be removed as I was only the pastor of the church. When it was removed, I saw more people in civilian clothes. They asked me questions about my identity and activities.

Then I was brought of the office and learned for the first time that I was in Cagayan de Oro City when I saw the signboard "Camp Evangelista". I was brought to another office which I heard from the people around was the CSU. There I was made to write down the events that transpired from the time I was arrested in Bangonay. When they saw that I was writing down the manhandling I received in the course of my interrogation, one person warned me not to include it for my own safety. Somebody prepared a statement and ordered me to copy it in my own handwriting. In that statement, it was stated that I

had been fairly treated by the Military Intelligence Group and that I was inhibiting myself from filing charges against them. Because of fear of again being harmed. I had no other choice but to copy the prepared statement and to sign it.

After that I was brought to the office of the fiscal to have my statement sworn to, but the fiscals were then ordered out of the office except a certain Fiscal Pelaes who refused to have my statement sworn to before him. So I was brought to a certain person whom I cannot identify. He asked me if the signature was mine. When I answered yes, he immediately signed the statement.

After that I was brought back to Butuan City to the house where I had been previously confined. I learned then that it was a box factory in Agusan Pequeno, a barangay in Butuan.

I was released on Friday when I was brought by Lt. Guantero and his men accompanied by Atty. Gambe to the office of the Judge at the capitol building. In the office I met Atty. Gonzales who informed me that a petition for a writ of habeas corpus had been filed against barangay captain Sotto and others.

I was also informed later that the soldiers responsible for my maltreatment were Sgt. Angelito Atizada, CIC Froilan Bringas, CIC Maximo Icat, CIC Armando Macundo, CIC Ric Daquil, C2C Cinsorcio Fernandez and C2C Aquil Musa, all of the 37<sup>th</sup> PC Battalion.

I was also examined by Dr. Teodoro Vesages of the Santos Clinic and Hospital who confirmed in this findings that I had indeed been manhandled.

# Barangay Gaid and Divisoria in Dimasalang Town: Sta Cruz, San Isidro, Buenasuerte and Malibas in Palanas and Tybo in Cataingan in the Province of Masbate in the Bicol Region (p. 147–49)

Between January and July 1985, there were at least six major forced evacuations of residents in the town of Dimasalang Palanas and Cataingan in Masbate, an island province off the coast of the Bicol Region in Southern Luzon. Some 373 families were forced to flee after the military intensified counterinsurgency operations in the area. Many of the evacuees never returned to their homes out of fear of harassment from the military. Some of them stayed in evacuation centers in the towns while others sought refuge with relatives and friends in outlying

barangays. These displayed families received no assistance whatsoever from the government's social services bureaus.

Here are the brief descriptions of the forced evacuations and the signed plea of representatives of the official barangays:

#### First Evacuation

On 27 January 1985, 20 families from Sitio Pook and Batiris of Brgy. Sta. Cruz and 15 families of Bgy. Malibas left their homes after armed Muslims, accompanied by Pat. Rodencio Espinas, illegally searched and threatened the residents allegedly in connection with the earlier disappearance of two Muslim traders. In a separate incident, eight military men led by St. Elpidio Dalisdig arrested and tortured a farmer suspected of being with the NPA. The house of a resident, Enrito Arizala, was burned while another resident, Berning Nuevo, 45 was salvaged.

For two months the evacuees stayed in temporary shacks along the coast of Bgys. Looc, Napucnod and the poblacion in Palanas.

#### Second Evacuation

Approximately 30 families from Sitio Timga, Bgy. Gaid in Dimasalang town left their homes for 15 days after the military burned the houses of Procopio Alicante and Dionisio Buhat and strafted several others, allegedly for giving food to the NPA. Some residents evacuated to the barangay proper of Gaid while others stayed with their relatives.

#### Third Evacuation

After a series of violent military abuses, the whole barangay of San Isidro in Palanas was vacated by fear-sticken residents, 1 March 1985. Noli Banitoy was abducted and tortured by government troopers. Eight days later Joaquin Adelan, Barangay Captain of San Isidro and his son, Santos, were killed separately by combined operatives of the PC INP and ICHDFs. After the killings the military ordered the residents to vacate the place or else something would happen to them.

The evacuees stayed along the coast of Barangays Napucnod and Palanas town proper for two to our weeks.

#### Fourth Evacuation

On 14 March 1985, 41 families from Barangay Buenasuerte, municipality of Palanas were forced to evacuate after they were harassed by military men in the course of their operation. A farmer-resident Placido Malana, 30, was picked up and heavily tortured in the military detachment in Dimasalang. Residents also reported that their houses were indiscriminately fired at during these operations.

The displaced families built temporary shacks along the coast of Barangay Napucnod and Looc in Palanas and remained there for about two months.

#### Fifth Evacuation

Some 25 families of Divisoria, Dimasalang, fled to the town proper and other neighboring barangays after the military looted them of their valuables and threatened to kill them for allegedly supporting the NPA. The soldiers also strafed some houses and manhandled three residents in the course of the military operation.

#### Sixth Evacuation

On 19 July 1985, 142 families or about 800 person fled their homes and sought refuge in neighboring barangays of San Rafael, Estampar, Curbada and Nadawisan until the second week of August. The evacuation was triggered by a series of killings on 30 April. Nonito Cuyos, an ICHDF and son of the barangay captain, was killed by unidentified armed men: on 16 July, his mother, barangay captain Pilang Cuyos, was likewisie killed by armed men, believed to be members of the NPA. After the slaying, Pilang's son, PC Sgt. Carlito Cuyos, threatened to kill all residents he suspected of being symphatizers if they could not pinpoint the killers of his mother and his brother.

# The Sworn Statement of the Representatives of the Affected Barangays

"We, the representatives of the victims of forced evacuations in Barangay Gaid, Divisoria, Sta. Cruz, San Isidro, Buenasuerte, and Malibas in the municipalities of Palanas, Dimasalang and Cataingan of the Province of Masbate, are confirming our previous reports on military abuses that have happened for some time now.

In this connection, we would like to let the people know the effects of the incidents to our lives. Since the first military operation last January 1983 until its peak in March 1985, the economic life of our communities has been paralyzed. Some of our properties like chickens, flashlights, cash, bolos and kitchen utensils were stolen either by the raiding military men or the bad elements in our communities. Some of our properties were destroyed. Our rice was scattered on the ground, our plates were broken and worse, some of our houses were burned.

The series of incidents were really painful to us. Some of us, men and women, were reprimanded on suspicion of being members of the NPA, even the very old who could hardly move were tortured on mere suspicion of giving food to the NPA.

These military abuses intensified when "salvaging" of civilians began. The victims were really innocent people.

Until justice is given, the pain will forever remain in our hearts and in our conscience.

We are ready to stand for the statements that we have executed to bring the truth in to the public.

Signed this 15th of September 1985 at Palanas, Masbate.

#### Signatories:

- 1. Robito Raymundo
- 2. Concepcion Abit
- 3. Albino Cermiola
- 4. Francisco Rubio, Jr.
- 5. Generoso Nito
- 6. Religiosa Bacatoy
- 7. Gerry Amante
- 8. Dioscoro D. Abujuela
- 9. Elisa B. Haalyahay
- 10. Gerardo Almazor
- 11. Manule Banaag
- 12. Nestor Tamayo

The signatories are representatives of the following barangays:

- 1. Gaid, Dimasalang, Masbate
- 2. Divisoria, Dimasalang
- 3. Sta[.] Cruz, Palanas
- 4. Malibas, Palanas
- 5. Tuybo, Cataingan



#### APPENDIX 2.7

# CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, "CONGRESSMAN SOLARZ CALLS ON PRESIDENT MARCOS," 26 NOVEMBER 1976

Here, Marcos is reported as saying that there is "some truth" to the Amnesty International Report detailing human right abuses—including torture—by the military under martial law. However, he insisted that such abuses were not government policy.

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Confidential

Page 01 Manila 18522 01 of 02 270018Z

63

Action EA-09

Info Oct-01 EUR-12 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 EB-07 OMB-01 TRSE-00 SAJ-01

DHA-02 /094 W

--- 017616

R 260846Z NOV 76

FM AMembassy Manila

To SecState WashDC 3296

Info AMEmbassy Taipei

AMEmbassy Singapore

AMEmbassy Kuala Lumpur

AMEmbassy Bangkok

AMEmbassy Jakarta

AMEmbassy Tripoli

AMEmbassy Moscow

Uslo Oeking

Cincpac

R 260846Z NOV 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3296

INFO AMEMBASSY TAIPEI

AMEMBASSY SINGAPORE

AMEMBASSY KUALA LUMPUR

AMEMBASSY BANGKOK

AMEMBASSY JAKARTA

AMEMBASSY TRIPOLI

AMEMBASSY MOSCOW

USLO PEKING

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 18522

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PFOR, EAID, RP, CH, TW, UR

SUBJECT: CONGRESSMAN SOLARZ CALI ON PRESIDENT MARCOS

1. SUMMARY. DURING A LONG DISCUSSION WITH PRESIDENT MARCOS, CONGRESSMAN STEPHEN SOLARZ EXPLORED SEVERAL ISSUES. ON THE PROSPECTS OF LIFTING MARTIAL LAW, MARCOS ENUMERATED A NUMBER OF THREATS, ECONOMIC AND SECURITY, FACING THE COUNTRY. HE INDICATED THAT WHILE THE OUTLINES OF THE FUTURE POLITICAL SYSTEM ARE VAGUE, IT WILL BE A STRONG AUTHORITARIAN SYSTEM. ON MINDANAO, MARCOS SAID THAT MRS. MARCOS' TRIP TO LIBYA HAD BEEN HELPFUL, BUT UNTIL LIBYAN SUPPORT ENDS, "I WOULD BE HESITANT TO SAY WE HAVE SOLVED THE PROBLEM." HE ALSO CONFIDENTIAL

Figure 1. A copy of the declassified cable.

*Source:* US Department of State. 1976 November 26. "Congressman Solarz Call on President Marcos." Document number 1976MANILA18522, film number D760440-0166. https://aad.archives.gov/aad/createpdf?rid=280604&dt=2082&dl=1345.

C o n f i d e n t i a l Section 1 of 2 Manila 18522

Cincpac for Polad E.O. 11652: GDS

Tags: PFOR, EAID, RP, CH, TW, UR

Subject: Congressman Solarz cali [sic] on president Marcos

- 1. Summary. During a long discussion with president Marcos, congressman Stephen Solarz explored several issues. On the prospects of lifting martial law, Marcos enumerated a number of threats, economic and security, facing the country. He indicated that while the outlines of the future political system are vague, it will be a strong authoritarian system. On Mindanao, Marcos said that Mrs. Marcos' trip to Libya had been helpful, but [sic] until Libyan support ends, "I would be hesitant to say we have solved the problem." He also discussed the security threat from Vietnam, which he termed a "surrogate" of the USSR, and from the possibility of a USSR/PRC rapprochement. In this regard, he indicated that he would be untroubled by establishment of US/PRC relations and the attendant abrogation of the ROC/US defense treaty (unless it resulted in occupation of Taiway [sic] by the PRC), and that U.S. bases in the RP furnish a necessary balance in the Western Pacific. Continued economic aid in tthe [sic] area is, in Marcos' opinion, an important factor in promoting stable, strong economies, capable of resisting "predator nations." On human rights, Marcos said that there was some truth to the recent Amnesty International (AI) report, but that GOP investigation indicated that "many of the allegations are false." End summary.
- 2. Congressman Stephen J. Solarz, accompanied by DCM, called on president Marcos on November 25. A report on other activities of Solarz during Philippine visit is being sent Septel.
- 3. Opening a discussion which ran to one hour and twenty minutes, Solarz explained his position on the international relations committee and his interest in the development process, and asked for Marcos' comments on the relevance of martial law to development. This occasioned a by-now familiar recitation by Marcos of the rationale for martial law: the history of disorder, the necessity to create conditions for development, the need to establish peace and order and a climate of governance, the measure of coercion which is necessary to any effective government.
- 4. Asked about the prospects of terminating martial law, Marcos stated there are many factors in deciding whether to move from a "crisis government to a more diffused sharing of power." "Ontop [sic] of it

- all," he said, "there is the economic situation," and went on to cite the prospect of a rise in oil prices as a contributing factor to economic instablilty [sic]. Marcos described his plans to organize a national assembly, "in spite of the wish expressed by the people in referenda," and then launched into a lengthy (and familiar) discussion of the legal justification for establishing martial law in the first place. He said that the people have reiterated (in the Oct 16-17 referendum) their wish to maintain martial law "I interpret the results to mean that they have left the matter to me." Barangays, he said, were now meeting and studying the matter. Ased [sic] again about prospects for terminating martial law, Marcos said that his objective is to establish a strong authoritarian (not totalitarian) system on a free enterprise but egalitarian base. He acknowledged that he sees only the outlines of the future system; the final shape is unclear.
- 5. Marcos discussed the Mindanao situation. 26,000 rebels, he said, have surrendered, but there are one to three thousand "hard core" who recieve [sic] "minimum" support from outside. Although Tun Mustapha had been instrumental in organizing the most recent phase of ghe [sic] rebellion in the early 1970's. "Malaysia is now interested in helping" solve the problem. Marcos said that Mrs. Marcos' visit to Libya has been helpful in bringing Khaddafi around to a more accurate appreciation of the Moro situation: "she told me he actually believed we were committing genocide." Marcos hoped that Khaddafi would take up the invitation to visit. The RP, where he would see for himself that "Muslims actually receive more in funds and services than the Christians." Asked about prospects for resolution of the Mindanao problem, Marcos said that funds from abroad had made it very difficult, and necessitated the "process of demagoguery" by which he brought surrendered rebels to Manila for public ceremonies. "Until Libya stops support," he said, "I would behesitant [sic] to say we have solved the problem."
- 6. Mindanao, said Marcos, is just one aspect of the security picture. He stated that the GOP is being careful in their relations with the SRV, because of its feeling that Vietnam is a "surrogate" for the USSR. He said that they will proceed to establish relations, but "we are not naive," and it is expected that Vietnam will not settle down for 5-7 [sic] years. He said the GOP is watching the movement of the huge arms stocks left in VN, and claimed there is evidence of their appearance in Malaysia. Marcos concluded that notwithstanding the mutual defense treaty, "the U.S. would be unable to help us," if trouble developed.

- 7. Where, asked Solarz, did Marcos see that U.S./1 3 [sic])\*interest lay in extending economic development aid? Marcos' unhesitating [sic] response was "security." Weak economies will be vulnerable to designs of othernations [sic], and he specified the USSR and "perhaps in the future, China." [sic] digressing, he thought the U.S. must maintain a presence in the Western Pacific. Marcos said that other ASEAN leaders at the Bali summit had criticized the presence of U.S. bases; he had asked in response how else to balance the growing influence of the USSR. It is important, however, that RP sovereignty be recognized and that the RP not appear weak. This, he thought, could be accomplished while retaining integrity of control for the U.S. military commander. Returning to economics, Marcos said that economic development is the most effective way of dealing with the threat of "massive infiltration and subversion." Any slowing of development creates grievances which can be exploited by "predator nations." Economic aid and a "just" international trade are perhaps more important than military aid.
- 8. Congressman Solarz asked for Marcos' opinion on the future. Of the PRC-US relationship and its relevance to the RP. Marcos responded that the greatest fear in Asia is that the USSR and PRC will get together, that "all thinking leaders have voiced this fear." He thought that "anything which can prevent this partnership is to the good." Solarz asked if establishment of relations, and the necessary abrogation of the ROC/US mutual defense treaty, would result in a loss of U.S. credibility. Marcos thought that was less important than the understandings between the USSR and U.S. if Taiwan were occupied by the PRC, the RP would be that much closer to the "communist giant." Marcos said that the "problem of insurgency will always be there," and that if the PRC were to support the insurgency in the RP, " we sould [sic] be in trouble."
- 9 Congressman Solarz stated that speaking as an advocate of economic aid, he was troubled by the Amnesty International (AI) report on denial of human rights in the Philippines, and asked for Marcos' comments. Marcos said that there was some truth to the report; there have been instances of torture, but but [sic] they have been punished. But is "absolutely false," he claimed, to say that it is a matter of policy. Arrest, he said, is preceded by accumulation of "overwhelming" evidence. He stated that in cases where torture had occurred, officers were motivated by personal expiences [sic] or reacting to the heat of the situation. Solarz asked if there had been an investigation. Yes, responded

Marcos, and the results indicated that "many allegations are false." Solarz ased [sic] if there might be an official response. Marcos responded obliquely, and with some agitation, by asking how they could respond when they did not receive a copy of the report in time to react prior to release. He said that they had vooperated completely with AI—they could go anywhere and interview anyone. He suggested that the people interviewed may have been due for punishment and were desperate to gain popular support. Marcos said the GOP is fighting communists, leftists and subversives, and the allegations in the AI report are "standard agitprop" -using people involved in the arrests to divert attention.

10. Congressman Solarz requested that any report on his meeting be provided to him in Washington. This message was not cleared with him prior to his departure.

Sullivan Confidential NNN



#### APPENDIX 2.8

#### THE DETAINEE MARIFLOR PARPAN

The following cables show (1) the response of the Marcos regime to dissent, even by those who are not connected to either the CPP-NPA or the MNLF; (2) that in some instances, rumors of torture did turn out to be untrue; and (3) that Imelda Marcos appeared to know very well what happened in the detention centers during martial law. The letter from Mariflor Parpan's brother affirms the perception that Imelda Marcos could intervene to release certain detainees.

# DECLASSIFIED CABLE, "ALLEGED MALTREATMENT OF CHICO PROTEST LEADER, MARIFLOR PARPAN" (9 FEBRUARY 1976)

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Confidential

Page 01 Manila 01972 090403

73

Action EA-09

Info OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 DHA-02 /059 W

\_\_\_\_ 114206

R 090340Z Feb 76

FM AMEmbassy Manila

To SecState WashDC 1964

Confidential Manila 1972

E. O. 11652: GDS

Tags: Pint, RP

R 090340Z FEB 76 FM AMEMBASSY MANILA TO SECSTATE WASHDC 1964

CONFIDENTIAL MANILA 1972

E. O. 11652: GDS TAGS: PINT, RP

SUBJECT: ALLEGED MALTREATMENT OF CHICO PROTEST LEADER,

MARIFLOR PARPAN

REF: (A) MANILA 1859; (B) MANILA 1279

1. ACCORDING TO JESUIT PRIESTS AT ATENEO DE MANILA, ANTHROPOLOGIST MARIFLOR PARPAN WHO WAS ONE OF SEVERAL ACTIVISTS DETAINED IN CONNECTION WITH CHICO RIVER PROTEST (REF-TEL B) HAS BEEN BEATEN UP WHILE IN DETENTION AND IS CURRENTLY IN HOSPITAL AT CAMP OLIVAS (WHERE DE LA TORRE ALSO BEING HELD). INFORMATION ON HER CONDITION WAS OBTAINED END OF LAST WEEK BY JESUIT PRIEST WHO TALKED TO "EYE WITNESS" OF BEATING. REPORT ON CASE IS BEING CIRCULATED AT ATENEO (AND PRESUMABLY ELSE-WHERE) BY FATHER FRANK LYNCH, WELL-KNOWN AMERICAN JESUIT SOCIAL SCIENTIST, AND OTHERS. MS. PARPAN, WHO HAS BEEN OUTSPOKENLY ANTI-MARCOS AS WELL AS ANTI-CHICO, HAS BROTHER WHO IS JESUIT PRIEST (NOW IN ROME) AND HAS HERSELF WORKED CLOSELY WITH JESUITS, AND WE ANTICIPATE HIGH LEVEL OF CHRUCH CONCERN AND INTEREST IN HER CASE.

Figure 1. A copy of the declassified cable.

*Source:* US Department of State. 1976 February 9. "Alleged Maltreatment of Chico Protest Leader, Mariflor Parpan." Document number 1976MANILA01972, film number D760048-0330. https://aad.archives.gov/aad/createpdf?rid=83675&dt=2082&dl=1345.



#### CURIA PRÆPOSITI GENERALIS SOCIETATIS IESU ROMA - Borgo S. Spirito, 5

May 27, 1976

Madame Imelda Romualdez-Marcos Excelsior Hotel, Rome, Italy

Dear Mrs. Marcos, PC

I write these lines just in case I do not get the chance to talk to you and - even if I did - I doubt whether such a social gathering and festive occasion to honor our new Cardinal should be the opportune moment to discuss the matter of my sister Mariflor's long drawn-out detention at Fort Bonifacio.

Arrested last January 24th, she continues to be detained and, todate, no charges have been filed. While I am relieved to know that she has not been maltreated, the fact that she continues to be detained is torture enough. And while she continues to put a brave front, I quite realize that the detention, understandably, is wearing on her nerves and health.

I am sure you understand the situation and how her problem hangs heavy on my mind and I am only glad that my mother and father are no longer around to witness the plight of their youngest. I had really intended to write you earlier but I doubted whether my letter could get to you. But now, with the assurance of Ambassador Delgado's help, I venture an attempt.

Nor do I feel at all hesitant about asking your kelp. I could mention that I too was one of the many millions who prayed that God spare your life after that tragic incident at Nayon Pilipino some years back. I do not ask as a matter of quid pro quo. But you, more than any other, are in a position to help and as the Alay Kapwa song reminds us - "tayong lahat ay may pananagutan sa isa't isa."

Whatever the outcome of this letter, I should thank you for an earlier favor. It was someone in Malacanang, I am told, who made it possible finally for Fr. Joe Cruz of ADM (and later my brother as well as a couple of fellow Jesuits) to visit my sister after she was held incomunicado for almost three weeks.

With every test wish and prayer for divine help in your undertakings multifarious as they are.

Alfredo G. Parpan, SI

Figure 2. A letter to Imelda Marcos from Alfredo Parpan.

*Source:* Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 251, File No. 0676.

Subject: Alleged maltreatment of Chico protest leader, Mariflor Parpan

Ref: (a) Manila 1859; (b) Manila 1279

- 1. According to Jesuit priests at Ateneo de Manila, anthropologist Mariflor Parpan who was one of several activists detained in connection with Chico River protest (Ref-tel B) has been beaten up while in detention and is currently in hospital at Camp Olivas (where de la Torre also being held). Information on her condition was obtained end of last week by Jesuit priest who talked to "eye witness" of beating. Report on case is being circulated at Ateneo (and presumably elsewhere) by Father Frank Lynch, well-known American Jesuit social scientist, and others. Ms. Parpan, who has been outspokenly anti-Marcos as well as anti-Chico, has brother who is Jesuit priest (now in Rome) and has herself worked closely with Jesuits, and we anticipate high level of chruch [sic] concern and interest in her case.
- 2. Embassy cannot confirm allegation. Source who provided information on de la Torre (Reftel A) was unaware that Ms. Parpan had been moved from Bonifacio (where most detainees held) to Olivas. Jesuit provincial secretary told Labatt that a colleague contacted Fort Bonifacio Feb 9 and was told that she had been "released" (nothing more). However as of yesterday, her sister had heard nothing. Jesuits speculate this may mean she was "released" for transfer to Olivas. Embassy will clarify as soon as possible.

Sullivan Confidential NNN

#### Source

US Department of State. 1976 February 9. "Alleged Maltreatment of Chico Protest Leader, Mariflor Parpan." Document number 1976MANILA01972, film number D760048-0330.

https://aad.archives.gov/aad/createpdf?rid=83675&dt=2082&dl=1345.

# Declassified Cable, "Mariflor Parpan Case" (10 February 1976)

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Confidential Page 01 Manila 02018 100157Z 63 Action EA-09

Info OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 DHA-02 /059 W

\_\_\_\_\_ 127915

P 100137Z Feb 76

FM AMEmbassy Manila

To SecState WashDC PRIORITY 1993

Confidential Manila 2018

E.O. 11652: GDS

Tags: Pint, RP

Subject: Mariflor Parpan Case

Ref: Manila 1972

- 1. According Ateneo de Manila faculty members, Ateneo president Fr. Jose Cruz succeeded in calling on detainee Mariflor Parpan on morning of Feb 10. Contrary to earlier reports (reftel), Ms. Parpan turned out to be at Bonifacio (not Olivas).. [sic] She appeared in excellent shape and told Cruz that her treatment has been good. (Unlike most other detainees, Ms. Parpan has own room).
- 2. Fr. Cruz subsequently delivered "mild lecture" to military officer in charge (Col. Pataleja phonetic) to the effect that if Parpan had been allowed vicitors [sic] (which she has not up to now) rumors would not get started.
- 3. In separate [sic] move, Father James Donelan (American Jesuit professor at Asian Institute of Management who is first lady's confessor) approached her directly re status of Ms. Parpan. Mrs. Marcos replied, "of course we haven't done anything to her—we are just holding her," or words to that effect.
- 4. Jesuit provincial secretary has confirmed substance of above to Labatt.
- 5. Comment: Parpan episode is significant if only as example of degree to which current atmosphere fosters rumors. Donelan approach to first lady suggests she has rather precise knowledge of detentions. Sullivan

Confidential

NNN

#### Source

US Department of State. 1976 February 10. "Mariflor Parpan Case." Document number 1976MANILA02018, film number D760049-0628. https://aad.archives.gov/aad/createpdf?rid=103011&dt=2082&dl=1345.



#### APPENDIX 2.9

Excerpts from Generoso N. Subayco, Alfredo T. Alcalde, and Eleuterio O. Ibaez, petitioners, vs. Sandiganbayan and People of the Philippines, respondents, G.R. Nos. 117267–117310, 22 August 1996

The full title of this criminal case is Generoso N. Subayco, Alfredo T. Alcalde, and Eleuterio O. Ibaez, petitioners, vs. Sandiganbayan and People of the Philippines, respondents. It can also be called the Escalante Massacre case. The decision was penned by Justice Reynato S. Puno. It does not state when the adverse Sandiganbayan decision against the accused (Subayco, Alcalde, and Ibaez, all members of the Philippine Constabulary, or PC) was rendered, though a footnote indicates that that decision was promulgated within or after 1987. Originally, forty-five "civilian government officials, personnel from the Philippine Constabulary and the Integrated National Police [INP], and from the para-military group Civilian Home Defense Force" were charged for the Escalante Massacre. Due to the death of one of the accused and the fact that "others remained at large," only twenty-eight all members of the PC and the INP—were arrested and tried. Only the three petitioners in this case were convicted, specifically of sixteen counts of murder, ten counts of frustrated murder, and fourteen counts of attempted murder. The others who were tried were acquitted because "the evidence against [them was found] to be insufficient to establish their liability."

The year was 1985, the month, September. The Marcos government was fast sliding into its sunset days. Yet, it was again set to celebrate with pomp, September 21, the day it proclaimed martial law some thirteen (13) years ago. The people, however, were not in the mood to be joyous. They planned massive public protests in different parts of the country. One of the biggest protest rallies was blueprinted as a Welgang Bayan at Escalante, Negros Occidental. It ended in tragedy which will not easily recede in the mist of our history. Twenty (20)

#### SECOND DIVISION

[G.R. Nos. 117267-117310. August 22, 1996]

### GENEROSO N. SUBAYCO, ALFREDO T. ALCALDE, and ELEUTERIO O. IBAEZ, petitioners, vs. SANDIGANBAYAN and PEOPLE OF THE PHILIPPINES, respondents.

#### DECISION

PUNO, J.:

The year was 1985, the month, September. The Marcos government was fast sliding into its sunset days. Yet, it was again set to celebrate with pomp, September 21, the day it proclaimed martial law some thirteen (13) years ago. The people, however, were not in the mood to be joyous. They planned massive public protests in different parts of the country. One of the biggest protest rallies was blueprinted as a Welga ng Bayan at Escalante, Negros Occidental. It ended in tragedy which will not easily recede in the mist of our history. Twenty (20) demonstrators were shot dead and twenty-four (24) others were wounded by the military and para-military forces of the Marcos government. Of several persons charged with various counts of murder and frustrated murder, only three (3) were convicted Generoso N. Subayco, Alfredo T. Alcalde and Eleuterio O. Ibaez were convicted by the respondent Sandiganbayan. They now come to this Court insisting on their innocence and pleading to be set free. We deny their petition and we warn our military and police authorities that they cannot shoot people who are exercising their right to peacefully assemble and petition the government for redress of grievance.

As aforestated, twenty (20) demonstrators were killed and twenty-four (24) others were seriously wounded by gunshots during the *Welga ng Bayan* held on September 20, 1985 at Escalante, Negros Occidental. Twenty (20) counts of Murder and twenty-four (24) counts of Frustrated Murder<sup>[2]</sup> were filed with respondent Sandiganbayan against those allegedly responsible for the death and injuries of the victims. Charged were several civilian government officials, personnel from the Philippine Constabulary and the Integrated National Police, and from the para-military group Civilian Home Defense Force (CHDF), namely:

- Ex-Mayor Braulio P. Lumayno,
- 2. Ex-Governor Armando C. Gustilo, [3]
- 3. Danilo Nonoy Jimenez,
- 4. Capt. Modesto E. Sanson, Jr.,
- CIC Alfredo T. Alcalde,
- 6. CIC Eleuterio O. Ibaez,
- 7. C2C Rufino L. Lerado, 8. C2C Carlos L. Santiago
- 9. T/Sqt. Generoso N. Subayco,
- 10. S/Sgt. Quirino L. Amar,
- 11. Sqt. Rolando A. Braa,
- 12. P/Capt. Rafael C. Jugan, 13. P/Pfc. Mariano C. Juarez, Jr.,
- 14. P/Pfc. Alfonso Birao,
- 15. P/Pfc. Wilfredo Carreon,
- 16. P/Pfc. Rogelio Pea,
- 17. P/Pfc. Iluminado D. Guillen,
- 18. Pat. Ludovico Cajurao,
- 19. Pat. Luisito T. Magalona,
- 20. Pat. Alex Francisco M. Liguaton,
- 21. Pat. Porfirio Q. Sypongco,
- 22. Pat. Prudencio M. Panagsagan

Figure 1. A screenshot from the Supreme Court of the Philippines website.

Source: Supreme Court of the Philippines. 1996. "Generoso N. Subayco, Alfredo T. Alcalde, and Eleuterio O. Ibaez, petitioners, vs. Sandiganbayan and People of the Philippines, respondents, G.R. Nos. 117267-117310, 22 August 1996." Republic of the Philippines. http://sc.judiciary.gov.ph/jurisprudence/1996/aug1996/117267.htm.

demonstrators were shot dead and twenty-four (24) others were wounded by the military and para-military forces of the Marcos government. Of several persons charged with various counts of murder and frustrated murder, only three (3) were convicted Generoso N. Subayco, Alfredo T. Alcalde and Eleuterio O. Ibaez were convicted by the respondent Sandiganbayan. They now come to this Court insisting on their innocence and pleading to be set free. We deny their petition and we warn our military and police authorities that they cannot shoot people who are exercising their right to peacefully assemble and petition the government for redress of grievance.<sup>1</sup>

<sup>1</sup>Section 4, Article III of the Constitution.

\*\*\*

Petitioners now come before us by way of certiorari raising the following issues:

- 1. Whether respondent Sandiganbayan committed serious error of law in convicting the petitioners based merely on alleged implied conspiracy to perpetrate the crimes charged and not on clear, positive and convincing proof of conspiracy; and
- 2. Whether respondent Sandiganbayan committed serious error of law in convicting the petitioners despite that the quantum of evidence required for a finding of guilt that is proof beyond reasonable doubt was not satisfied.<sup>5</sup>

The petition must fail. <sup>5</sup>Petition, Rollo, p.18.

\*\*\*

We therefore uphold the respondent court in ruling that the following circumstances proved the existence of an implied conspiracy among the petitioners in the cases at bar:

- 1. After the Escalante firetruck exhausted its supply of water, it withdrew from the scene.
- 2. The Cadiz City firetruck took over hosing the crowd. It also ran out of water, tried to back out but was prevented by the logs and rocks strewn behind it.
- 3. The weapons carrier then moved behind the Cadiz City firetruck.
- 4. Teargas canisters were thrown into the crowd. Jovy Jaravelo, a rallyist, picked up one of the canisters and threw it back to where it came from. At this juncture, CHDF Alfredo Quinatagcan a.k.a. Pidong Bagis shot Jaravelo. Successive gunfire followed.
- 5. The seventy-nine (79) empty shells recovered from the scene of the crime were traced to four M-16 rifles issued to CHDF Caete,

CHDF Parcon, C2C Lerado and C1C Ibaez. Caete and Parcon were on board the weapons carrier while Lerado and Ibaez were on board the Cadiz City firetruck.

6. The other personnel who were also on these two vehicles were also scene [sic] to have fired at the crowd.

All these circumstances intersect to show a community of purpose among the petitioners and their companions, that is, to fire at the demonstrators. This common purpose was pursued by the petitioners and their companions who used firepower against the rallyists. As proved, the plan to disperse the demonstrators did not include the use of guns, yet, petitioners and their cohorts did. At the first crack of gunfire coming from CHDF Alfredo Quinatagcan (a.k.a. Pidong Bagis), petitioners and their companions commenced firing at the demonstrators, as if on signal. They fired indiscriminately toward the demonstrators who were then already lying prone on the ground. There was no imminent danger to their safety. Not just one or a few shots were fired but several. The firing lasted a few minutes and cost the lives and limbs of the demonstrators. We agree with the respondent court that the collective acts of the petitioners and their companions clearly show the existence of a common design toward the accomplishment of a united purpose. 15 They were therefore properly convicted for all the crimes they were charged with.

The use of bullets to break up an assembly of people petitioning for redress of grievance cannot but be bewailed. It is bound to happen again for as long as abuses in government abound. Precisely to help put a brake on official abuses, people empowerment was codified in various provisions of the 1987 Constitution. It is high time to remind our officials that under our Constitution power does not come from the barrel of a gun but from the ballots of the people. It is thus important to know the unexpurgated will of the people for in a republican government, it is the people who should truly rule. Consequently, the right of the people to assemble peacefully and to petition for redress of grievance should not be abridged by officials momentarily holding the powers of government. So we expressly held in the early case of US v. Apurado. <sup>16</sup>

It is rather to be expected that more or less disorder will mark the public assembly of the people to protest against grievances whether real or imaginary, because on such occasions feeling it always brought to a high pitch of excitement, and the greater the grievance and the more intense the feeling, the less perfect, as a rule, will be the disciplinary

control of the leaders over their irresponsible followers. But if the prosecution be permitted to seize upon every instance of such disorderly conduct by individual members of a crowd as an excuse to characterize the assembly as a seditious and tumultuous rising against the authorities, then the right to assemble and to petition for redress of grievances would become a delusion and a snare and the attempt to exercise it on the most righteous occasion and in the most peaceable manner would expose all those who took part therein to the severest and most unmerited punishment, if the purposes which they sought to attain did not happen to be pleasing to the prosecuting authorities. If instances of disorderly conduct occur on such occasions, the guilty individuals should be sought out and punished therefor, but the utmost discretion must be exercised in drawing the line between disorderly and seditious conduct and between an essentially peaceable assembly and a tumultuous uprising.

The Constitution did not engage in mystical teaching when it proclaimed in solemn tone that sovereignty resides in the people and all government authority emanates from them.<sup>17</sup> It should be clear even to those with intellectual deficits that when the sovereign people assemble to petition for redress of grievances, all should listen, especially the government. For in a democracy, it is the people who count; those who are deaf to their grievances are ciphers.

Our affirmance of the conviction of the petitioners does not give complete justice to the victims of the Escalante massacre, subject of the cases at bar. Until today, sixteen (16) of the other accused have successfully eluded arrest by the authorities. Not until they have been arrested and tried will justice emerge triumphant for justice cannot come in fraction.

<sup>&</sup>lt;sup>15</sup>See People vs. Carizo, 233 SCRA 628 (1994).

<sup>167</sup> Phil. 422.

<sup>&</sup>lt;sup>17</sup>Section 1, Article II.



#### APPENDIX 3.1

## OF TRICKERY AND OMISSIONS: BONGBONG MARCOS BIOGRAPHY FROM HIS OFFICIAL WEBSITE

Recovered via the Internet Archive's Wayback Machine, these short biographical pieces naturally paint a positive picture of Bongbong Marcos, then a declared candidate for the senate. It tries to focus voters' attention on Marcos's post-EDSA track record. Excluded from this narrative are his appointments as Presidential Special Assistant (1978), chairman of the board of the Philippine Communications Satellite Corporation (1985), and governor of Ilocos Norte (1983-1986). The online biography also claims that Marcos received a political science, philosophy, and economics bachelor's degree from Oxford University, when, as was known both to the US embassy, the media, and some members of the opposition (see appendix 3.6), he actually received a "Special Diploma in Social Studies." That he does not have a bachelor's degree also raises questions about how he was admitted to the Wharton School of Business's master of business administration program, which he also did not complete. Lastly, no mention is made of his first failed run for the senate in 1995; it would appear, based on the online narrative, that he had never lost an election.

#### FACING A NEW DECADE

August 11, 2009 by: Bongbong Marcos

With national elections looming in 2010, Bongbong Marcos has come to the decision to seek a seat in the Philippine Senate. He says, "After 17 years as governor and representative of Ilocos Norte, I believe I am more than ready to serve on the national stage."

In running at this time, Bongbong shows a keen sense of timing and vision. He is bidding for national office at a time when the Marcos record and legacy is being hailed for its long-term vision and enduring achievements, such as the modernization of national infrastructure like the Pan-Philippines Highway from Luzon to Mindanao, the launching

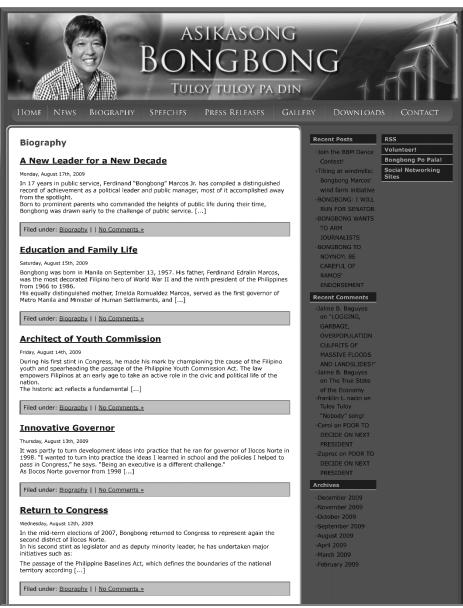


Figure 1. A screenshot from Bongbong Marcos's official website. Source: Marcos, Bongbong. 2009. "Biography." Bongbong Marcos. November 26. https://web.archive.org/web/20091214170501/http://bongbongm.com:80/?cat=6.

of innovative programs like the Pag-Ibig Fund and world-class health care, the establishment of the Department of Energy to cope with oil price volatility, the protection and enhancement of Philippine ecology and environment, the pioneering program for Philippine tourism development, and the expansion of the country's foreign relations to include China and Russia.

Bongbong believes that the 21st century has ushered in a new time of challenge for the country and for the world. Great advances in technology and tidal developments in international affairs have changed the world we live in. And the challenge of adjustment has only become more complicated by the current global economic meltdown led by the mighty US economy.

"We cannot answer today's challenges with yesterday's solution," he says. "We can only find those solutions with a mind open to today's world. While I have the greatest respect for our past leaders, this is a time for new solutions, new perspectives, new ideas."

Within 12 years, he points out, the Filipino nation will be marking the quincentennial (500th year) of Ferdinand Magellan's discovery of the Philippine archipelago, of the completion of the map of the world on Philippine soil, and of the Christianization of the Philippines.

"I submit that the new decade must be a period of dynamic national transformation and development so that the Philippines can truly attain progress and welfare for all and a position of honor and respect in the world," he says. "As the 13th largest country in the world, gifted with a young, resourceful population and rich natural resources, we Filipinos have it within our power to remake our country into a modern, progressive and democratic society."

With his experience and achievements in the legislative and executive branches of government and his first-class training in politics, economics and business management, Bongbong Marcos at 51 has much to contribute to this challenge of national transformation. In the elections of 2010, he will not shirk the challenge and the opportunity to serve.

#### Source

Marcos, Bongbong. 2009. "Facing a New Decade." *Bongbong Marcos*. August 11. https://web.archive.org/web/20110305042856/http://bongbongm.com:80/2009/08/facing-a-new-decade.

# RETURN TO CONGRESS

August 12, 2009 by: Bongbong Marcos

In the mid-term elections of 2007, Bongbong returned to Congress to represent again the second district of Ilocos Norte.

In his second stint as legislator and as deputy minority leader, he has undertaken major initiatives such as:

- The passage of the Philippine Baselines Act, which defines the boundaries of the national territory according to international law, while retaining the country's claims to lands under dispute with other nations.
- The adoption of English as the principal language of instruction in the Philippine educational system, and as tool for Filipino competitiveness in education.
- The adoption of a comprehensive infrastructure modernization program as key to full economic development and as a major part of the national strategy amidst the global recession.
- The focused development of Philippine tourism as another major strategy for enabling the country to cope with the recession.
- The accelerated development of alternative sources of energy to address Philippine dependence on foreign oil and the volatility of oil prices.
- The upgrading of the Filipino overseas workers program which was originated by President Marcos and has become a major component of Philippine economic growth and resiliency amidst the global economic crisis.

#### Source

Marcos, Bongbong. 2009. "Return to Congress." *Bongbong Marcos*. August 12. https://web.archive.org/web/20110308060532/http://bongbongm.com/2009/08/return-to-congress.

# Innovative Governor

August 13, 2009 by: Bongbong Marcos

It was partly to turn development ideas into practice that he ran for governor of Ilocos Norte in 1998. "I wanted to turn into practice the

ideas I learned in school and the policies I helped to pass in Congress," he says. "Being an executive is a different challenge."

As Ilocos Norte governor from 1998 to 2007, Bongbong recorded major achievements:

- He transformed a third-class province into a first-class one (based on income) within his first term.
- With 73% of the provincial population dependent on agriculture, he raised agricultural productivity in the province by focusing on rice production and cash crops like vegetables and tobacco. He invested resources in hybrid seedlings production that underpinned the agricultural transformation.
- He set up a successful program for cooperatives development in the province that greatly helped in the economic development of Ilocos Norte.
- He turned the province into a major tourism destination by improving infrastructure, developing the province's special natural attractions, and capitalizing on Laoag City's being an international gateway into the country.
- He turned his province into a model for public health care by providing 100% of his provincemates with health insurance.
- He harnessed wind power as an alternative source of energy for his province (generating 34 megawatts of power at last count), making Ilocos Norte a model for other regions.

By the end of his three terms in 2007, Ilocos Norte stood tall as a progressive medium-sized Philippine province, a cohesive community, and a highly popular destination for foreign and domestic tourists.

## Source

Marcos, Bongbong. 2009. "Innovative Governor." Bongbong Marcos. August 13. https://web.archive.org/web/20110308060404/http://bongbongm.com/2009/08/innovative-governor.

# ARCHITECT OF THE YOUTH COMMISSION

August 14, 2009 by: Bongbong Marcos

During his first stint in Congress, he made his mark by championing the cause of the Filipino youth and spearheading the passage of the Philippine Youth Commission Act. The law empowers Filipinos at an early age to take an active role in the civic and political life of the nation.

The historic act reflects a fundamental part of Bongbong's vision and understanding of Philippine society. In his view, the Philippines is a predominantly young country — young in population, young in outlook, and with its eyes turned towards the future rather than the past. This young population gives the nation a large human resource base which, harnessed and educated properly, can propel Philippine society into the heights of modernization and development.

This population phenomenon – called "the demographic dividend" by David Bloom of Harvard University – has accounted for the economic miracle in Taiwan, Korea, and Hong Kong in the '80s, and now in China and India. The same, in Bongbong's view, will drive the Philippines to full modernization and development.

He is also remembered as the largest contributor to the cause of cooperatives development. He devoted almost all his Countryside Development Fund (CDF) to organizing cooperatives of teachers and farmers in his home province.

## Source

Marcos, Bongbong. 2009. "Architect of the Youth Commission." Bongbong Marcos. August 14. https://web.archive.org/web/20110305042837/http://bongbongm.com:80/2009/08/architect-of-youth-commission.

# EDUCATION AND FAMILY LIFE

August 15, 2009 by: Bongbong Marcos

Bongbong was born in Manila on September 13, 1957. His father, Ferdinand Edralin Marcos, was the most decorated Filipino hero of World War II and the ninth president of the Philippines from 1966 to 1986.

His equally distinguished mother, Imelda Romualdez Marcos, served as the first governor of Metro Manila and Minister of Human Settlements, and is well-remembered as a dynamic patron of Philippine art and culture.

After finishing his elementary education in De la Salle College, the young Marcos took his secondary education in the Worth School in England.

From there, he got accepted to Oxford University, where he earned a bachelor's degree in Political Science, Philosophy and Economics in 1978.

From Oxford, he moved to the Wharton School of Business in the US to obtain his Master's in Business Administration. While still completing his MBA thesis, he got elected in absentia as vice-governor of Ilocos Norte in 1980.

He is married to lawyer Louise Araneta, by whom he has three teenage sons. They make their home in both Metro Manila and Batac, Ilocos Norte.

#### Source

Marcos, Bongbong. 2009. "Education and Family Life." Bongbong Marcos. August 15. https://web.archive.org/web/20110305042816/http://bongbongm.com:80/2009/08/education-and-family-life.

# A New Leader for a New Decade

# 17 August 2009

In 17 years in public service, Ferdinand "Bongbong" Marcos Jr. has compiled a distinguished record of achievement as a political leader and public manager, most of it accomplished away from the spotlight.

Born to prominent parents who commanded the heights of public life during their time, Bongbong was drawn early to the challenge of public service. At 23, he was elected vice-governor of Ilocos Norte in 1980.

But in 1986, after the EDSA Revolution, he was forced to leave the country in exile. While he was away, his thoughts were not far from the country, as he continued to study and develop his skills, with the plan to return to the Philippines in mind.

Braving the possibility of arrest from the new regime, Bongbong was the first of his family to return to the country. Despite all the stigma that he had to endure, in 1992 he was elected to the House of Representatives as representative for the second district of Ilocos Norte. As an opposition congressman, he authored the landmark act establishing the Philippine Youth Commission.

In 1998, he ran and won for the first of three terms as governor of Ilocos Norte. In his nine years as governor, he transformed Ilocos Norte into a first-class province, a major tourism destination, and a pioneer in harnessing windpower for energy.

In 2007, he returned to the House of Representatives, where he is now Deputy Minority Leader. Despite being an opposition leader, he has successfully championed the passage of significant legislation, including the country's Baselines Law.

Swinging from the executive to the legislative in public service is no big deal for Bongbong Marcos. In the executive he has proven his mettle as a leader and manager; in the legislative, he has shown leadership in the making of public policy.

## Source

Marcos, Bongbong. 2009. "A New Leader for a New Decade." Bongbong Marcos. August 17. https://web.archive.org/web/20100610040143/http://bongbongm.com/2009/08/a-new-leader-for-a-new-decade.



# Popularizing Political Rehabilitation: Bongbong Marcos's Friendster

The Bangui windmills in Ilocos Norte were prominently featured in Bongbong Marcos's 2010 campaign materials. This screenshot of his profile in the defunct social media platform Friendster features an infantilized cartoon of Marcos holding a pinwheel, images of windmills behind a photograph of himself with his wife and children, and a link to an internet browser game called "Windmill City." The profile page also stated that Marcos had been a member of Friendster since 2004, which shows how early Marcos adopted the use of online social networking platforms for his political rehabilitation. That was to be his last term as governor of Ilocos Norte, 2004–2007.



Figure 1. Screenshot from Bongbong Marcos's Friendster profile.

Source: Marcos, Bongbong. 2010. "Bongbong Marcos's Profile." Friendster. May 5. https://web.archive.org/web/20100505233116/http://profiles.friendster.com

## **Bongbong Marcos's Profile**



## Bongbong Marcos

Male, 52, Married, Batac, Ilocos Norte, PH Last logged in: 2 days

 If you believe in what I can do for this country, please vote for me as Senator (#32). Thank you for your support! 05/03/2010 All Shoutouts

## Bongbong Marcos's Fans (7856)













Send a Gift Send Message Add Bookmark Forward to Friend

# More About Bongbong Marcos

#### Interested In:

Fans, Activity Partners

#### Member Since:

Mar 2004

#### Hometown:

Batac, Ilocos Norte

### Company:

Ilocos Norte

## Bongbong Marcos's URL:

http://profiles.friendster.com/bongbongmarcos

### Occupation:

Governor

### Zodiac Sign:

Virgo

In 17 years in public service, Ferdinand "Bongbong" Marcos Jr. has compiled a distinguished record of achievement as a political leader and public manager, most of it accomplished away from the spotlight.

Born to prominent parents who commanded the heights of public life during their time, Bongbong was drawn early to the challenge of public service. At 23, he was elected vice-governor of Ilocos Norte in 1980.

But in 1986, after the EDSA Revolution, he was forced to leave the country in exile. While he was away, his thoughts were not far from the country, as he continued to study and develop his skills, with the plan to return to the Philippines in mind

Braving the possibility of arrest from the new regime, Bongbong was the first of his family to return to the country. Despite all the stigma that he had to endure, in 1992 he was elected to the House of Representatives as representative for the second district of Ilocos Norte. As an opposition congressman, he authored the landmark act establishing the Philippine Youth Commission.

## Figure 2. Screenshot from Bongbong Marcos's Friendster profile.

Source: Marcos, Bongbong. 2010. "Bongbong Marcos's Profile." Friendster. May 5. https://web.archive.org/web/20100505233116/http://profiles.friendster.com /bongbongmarcos.



Excerpts from "Project Appraisal Document on the Purchase of Emission Reductions Proposed by the Prototype Carbon Fund in the Amount of USD 1.5 Million to the Northwind Power Development Corporation for a Northwind Bangui Bay Project," World Bank, 8 December 2004

This document shows that the Bangui windmills are a private venture, specifically of the Northwind Power Development Corporation (NWPDC). Of local government involvement in the project, the document states that NWPDC "enjoys the support of the provincial government of Ilocos Norte." Nothing in the document indicates that the project was initiated by then governor Bongbong Marcos.

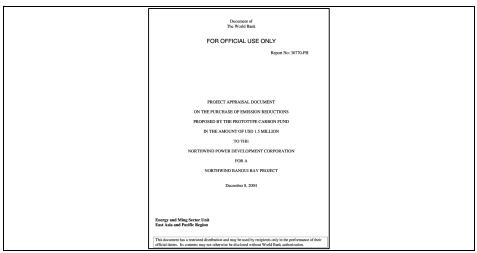


Figure 1. Coversheet of the Bangui Windmills World Bank loan.

Source: World Bank. 2004. "Project Appraisal Document on the Purchase of Emission Reductions Proposed by the Prototype Carbon Fund in the Amount of USD 1.5 Million to the Northwind Power Development Corporation for a Northwind Bangui Bay Project." World Bank. http://documents.worldbank.org/curated/en/117851468095656834/pdf/307700PAD0P0871ece mber0200401final1.pdf.

# Philippines NorthWind Bangui Bay Project

# PROJECT APPRAISAL DOCUMENT

# East Asia and Pacific Region Energy and Mining Sector Unit

# **Prototype Carbon Fund**

Country Director: Joachim von Amsberg Sector Manager: Junhui Wu Project ID: P087464 Instrument: Emission Reductions Purchase  Project Financing Data  [] Loan [] Credit [] Grant [] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source   Local   Foreign   Total  Private Investors   1.0   3.7   4.7  IBRD/IDA  Others					
Project ID: P087464 sector development, Rural services and infrastructure, environmental policies and institutions  Project Financing Data  [] Loan [] Credit [] Grant [] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others  Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Instrument: Emission Reductions Purchase infrastructure, environmental policies and institutions  Project Financing Data  [ ] Loan [ ] Credit [ ] Grant [ ] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others  Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Institutions  Project Financing Data  [] Loan [] Credit [] Grant [] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others  Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Project Financing Data  [ ] Loan [ ] Credit [ ] Grant [ ] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others  Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
[] Loan [] Credit [] Grant [] Guarantee [x] Other: Prototype Carbon Fund For Loans/Credits/Others  Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
For Loans/Credits/Others Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4 Total Bank Financing (US\$m.): \$0 Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total Private Investors 1.0 3.7 4.7 IBRD/IDA					
Total Project Cost (US\$m.): 35.4 Cofinancing: 35.4  Total Bank Financing (US\$m.): \$0  Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Total Bank Financing (US\$m.): \$0 Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Proposed terms: yearly payments until 2014  Financing Plan (US\$m.)  Source Local Foreign Total  Private Investors 1.0 3.7 4.7  IBRD/IDA					
Source   Local   Foreign   Total					
Source Local Foreign Total Private Investors 1.0 3.7 4.7 IBRD/IDA					
Private Investors 1.0 3.7 4.7 IBRD/IDA					
IBRD/IDA					
Others					
Ouicis					
Danish International Development Agency 30.8 30.8					
(DANIDA)					
Borrower: Not applicable					
Responsible Agency: NorthWind Power Development Corporation (NWPDC)					
Estimated disbursements (Bank FY/US\$m): N/A					
FY					
Annual					
Cumulative					
Project implementation period: 2005-2014					
Expected effectiveness date: January 2005					
Expected closing date: December 2014					
Does the project depart from the CAS in content or other significant '- Yes X No					
respects? Ref. PAD A.3					
Does the project require any exceptions from Bank policies? N/A '= Yes =: No					
Have these been approved by Bank management?					
Is approval for any policy exception sought from the Board?					

Figure 2. Bangui World Bank loan summary part one.

Source: World Bank (2004).

Does the project include any critical risks rated "substantial" or	∠ Yes X No				
"high"? <i>Ref. PAD C.5</i>					
Does the project meet the Regional criteria for readiness for	≟Yes ≟ No				
implementation? N/A					

## Project development objective Ref. PAD B.2.

This Project will contribute to the country's development objectives of sustainable economic development through the enhancement of both quantity and reliability of power supply in an environmentally responsible manner. The Project will also contribute towards the global environment objective of reducing greenhouse gas emissions through the avoidance of thermal power generation.

## Project description Ref. PAD B.3.

This wind farm project will comprise (a) fifteen wind turbines, with a total capacity of 24.75 MW and annual energy production is estimated to be about 74.48 GWh; and (b) construction of a 50 km 69kV overhead transmission line to deliver the power to Ilocos Norte Electric Cooperative (INEC) which has the exclusive franchise to distribute electricity in the area. The PCF will purchase ERs, targeted annually at 35,600 tons of Carbon Dioxide equivalent(tCO2e), for the first 10 years of the project operation at a price of US\$4.25/tCO2e, totalling approximately \$1.5 million.

Which safeguard policies are triggered, if any? Ref. PAD D.3, Technical Annex 10

O.P. 4.01 – Environmental Assessment - see Annex 10

Significant, non-standard conditions, if any, for:

Board presentation: Not applicable

Loan/credit effectiveness: Not applicable

Covenants applicable to project implementation: Not applicable

Figure 3. Bangui World Bank loan summary part two.

Source: World Bank (2004).

# B. Project Description

# 1. Instrument

The Project sponsor is a local private company, Northwind Power Development Corporation (NWPDC). PCF will purchase partial or entire CERs upon the operation of this Project for ten years. The Emission Reductions Purchase Agreement (ERPA), recently negotiated between NWPDC and the Bank (acting as trustee for PCF), provides for a price of \$4.25 per tCO<sub>2</sub>e and target annual CERs of 35,600 tCO<sub>2</sub>e. The exact amount of CERs eligible for purchase is determined by a Baseline Study and by independent verification of actual energy output each year after plant commissioning.

# 2. Project Development Objective and Key Indicators

This Project will contribute to the country's development objectives of sustainable economic development through the enhancement of both quantity and reliability of power supply in an environmentally sustainable manner. The Project will also contribute towards the global environment objective of reducing greenhouse gas emissions through the avoidance of thermal power generation. The key Project performance indicators will include (a) the quantity and cost of electricity generation/sales; and (b) actual CERs.

# 3. Project Components

The Project is located in the foreshore of Bangui Bay in Ilocos Norte Province. The wind farm project, with total cost of US\$35.45 million, will comprise: (a) fifteen wind turbines of 1,650 kW rated capacity each, totaling 24.75 MW. Annual energy production is estimated to be about 74.48 GWh at a capacity factor of 34%; and (b) construction of a 50 km 69kV overhead transmission line to deliver the power to the switchyard of the offtaker, in Laoag City. The Engineering and Procurement Contract (EPC) of about \$31 million for a turnkey installation of power plant, substation and transmission line has been awarded to NEG Micon. Considering the wind farm costs alone, the installed cost is about \$1,186 per kW. Counting all project costs, the installed cost is about \$1,400 per kW. This is still in the middle of the cost range of recent experience for 25 MW-scale wind projects. All power produced will be sold to the Ilocos Norte Electric Cooperative

APPENDIX 3.3 BANGUI WINDMILLS 441

(INEC) through an Electricity Sales Agreement (ESA) signed in 2002. INEC has the exclusive franchise to distribute electricity in the area.

# 4. Lessons Learned and Reflected in the Project Design

The project technical design represents the most advanced developments in wind technology and the results of decades of operational experience by Danish companies. Some of the lessons learned from past wind projects that were reflected in the present design include: a) the need for an adequate period of wind energy measurements at the site, b) the need to ensure minimal grid interconnection impacts, c) adequate consideration for the violent typhoons that are frequent in the country, and d) the need for long-term power purchase contracts to assure project sustainability. At least two years of wind data collection with anemometers and modern data logger equipment preceded the project design. A detailed system impact study for the INEC/Transco grid was carried out by the national transmission company which confirmed that the wind farm could be readily connected to the grid with only a minimal amount of capacitative compensation needed. The NM82 turbine that was chosen has a survival wind speed of 70 m/ s, well in excess of the maximum 44 m/s recorded with typhoons in the area during the two years of wind measurement. The 20 year ESA with INEC minimizes the market risk of the Project. Lessons learned from earlier CF projects have been incorporated in the Bank's due diligence work, as well, including: a) the need to pay special attention to the implications of overall power sector restructuring and renewable energy policy on the Project, and b) the need to carefully assess the creditworthiness of the offtaker and its long term ability to purchase power from the Project.

# 5. Alternatives Considered and Reasons for Rejection

An alternative to this Project is to maintain status quo of power supply by the National Power Corporation (NPC) that has been dominated by imported and polluting fossil fueled power generation. This alternative has been rejected for the following reasons: (a) the shift from fossil fueled power generation to renewable forms of energy is a key strategy of the GOP to increase the energy security of the country while minimizing the environmental impact of power generation; (b) the shift from public sector to private sector financing of power generation and transmission is a compelling response to the serious fiscal deficits of the country and provides the potential for operational efficiency

gains by private sector management; and (c) the Project, by design, represents a lower cost alternative to the traditional supply of power by NPC This will be translated into lower end-user price in the Project area as the price of wind power to be sold to INEC will be lower than that of NPC. Indeed, the Project was selected as the first PCF project in the Philippines because of its sound project design, its readiness to commence operation in 2005 and the commitment of the Project sponsor, private investors and provincial government in forging an effective public/private partnership which is crucial to advance RE development in the country.

## C. IMPLEMENTATION

## 1. Institutional and Implementation arrangements

The Project will be implemented in accordance with the ERPA signed between NWPDC and the Bank, as trustee of the PCF. A Monitoring Plan (MP) has been agreed between parties to the ERPA. The ERPA and MP define the quantity, price and other delivery conditions for ERs to be purchased by PCF as well as monitoring and verification systems and methods. Eligibility of ERs for purchase by PCF will be verified by an independent third party. Verification and certification of ERs generated annually by the Project will be coordinated by the PCF which will ultimately purchase the ERs. As per the requirement of the Kyoto Protocol, GOP will operate a registry to manage the transfer of ERs generated by the project.

**NWPDC**, the **Project Sponsor**, will be responsible for implementation of the Project, including the following provisions under the ERPA:

- Maintain and operate the Project in accordance with sound business practices, proper due diligence and high efficiency;
- Undertake all reasonable efforts, including project documentation, to ensure eligibility of ERs under Art.12 of the Kyoto Protocol;
- Undertake, satisfactory to the Bank, actions agreed in the Environmental Management Plan (EMP) to comply with the Bank's safeguard policies; and

APPENDIX 3.3 BANGUI WINDMILLS 443

 Notify the Bank of anything that may have an impact on the project or its capacity to deliver ERs, including delays, material adverse changes and force majeure.

Specifically, in relation to ER, NWPDC will:

- · Monitor the emissions and other relevant parameters;
- Organize periodic auditing of the project and verification that emission reductions have been achieved in compliance with relevant project criteria, including the preparation of required reports;
- Prepare a brief annual or biannual report that should include: information on overall project performance, emission reductions generated and verified and comparison with targets, observations regarding MP baseline scenario indicators, information on adjustment of key MP assumptions, and calculation methods and other amendments of the MP; and
- · Ensure certification of verified emission reductions.

Payment and Flow of Funds. The timing of the first payment will occur upon certification by the PCF that all the relevant conditions provided under the ERPA have been met. Thereafter, the PCF will only disburse against delivery of verified and certified ERs. The involvement of the PCF with the project will expire after CERs up to the total contract amount have been delivered. In the event that the project sponsors fail to deliver the quantity of CERs for any given calendar year as set forth in the ERPA, they will be required to make-up the shortfall over the course of the following calendar year or other period agreed upon.

# 2. Monitoring and Evaluation of Outcomes/Results

Carbon finance projects are initially evaluated on the basis of an ex-ante analysis of the emissions baseline (conventional generation and emissions that would have occurred in the absence of the project) and determination of project additionality. Project performance – and payment for CERs — is then monitored in accordance with the requirements of the MP incorporated in the schedule of the ERPA and evaluated on the basis of achieving the expected CERs. Monitoring and evaluation of CERs is implicit in the project as a function of electricity

generation as it occurs, with payment based on Megawatt hours (MWh) of generation as invoiced to the customer purchasing the electricity.

To increase the likelihood that CERs acquired under the ERPA will satisfy the requirements of the UNFCCC and the Kyoto Protocol, PCF will retain the services of internationally-recognized, fully independent third parties to: a) provide validation of the sector-wide Baseline; b) provide validation of the project design, the project specific Baseline Study (test of additionality against the sector-wide baseline), and the MP. This independent third party will also undertake periodic verification and certification of the ER generated by each project and issue a Verification and Certification Report that includes:

- A statement of the amount of verified and CERs the projects have generated in the relevant period,
- Other matters as may be required by the UNFCCC or Kyoto Protocol, and
- · Verification of compliance with Bank Safeguard Policies.

The validator will present a Project Design Document (initial PDD in Annex 13), along with a description of the methodology chosen to measure the ERs and to demonstrate additionality, to the Executive Board of CDM, for its approval and registry under international rules. This approach ensures the creation of an environmental commodity that is recognized by existing laws of the Philippines and conforms in due course to the relevant international agreements. It is understood that these international guidelines may change, according to decisions by the Conference of the Parties to the UNFCCC and Kyoto Protocol. The project will be reviewed by the Bank during the construction phase of Project to address areas of implementation weaknesses, especially concerning the EMP, accommodate changes in priorities, and ensure compliance with relevant Bank policies and procedures.

# 3. Sustainability

The project sponsor is a private company whose principals have years of experience in power and energy systems and business development, and enjoys the support of the provincial government of Ilocos Norte. The main consultants for the technical design was the Danish firm, TRIPOD, that has over twenty years of experience in providing specialized wind energy engineering services to international clients.

APPENDIX 3.3 BANGUI WINDMILLS 445

NEG Micon (NEGM), a highly reputable Danish firm, will construct the wind farm on turnkey basis, and operate and maintain it for the first five years, ensuring ample time to train NWPDC local personnel. The wind farm is thus expected to operate efficiently and continuously during the project life. Multiyear wind measurements conducted at the pre-investment stage maximizes the chances that projected annual wind energy production will be achieved. Purchase of generated electricity on "as-and-when-available" basis is guaranteed by a 20-year ESA with a single offtaker, INEC. The finances of INEC are expected to remain satisfactory, as elaborated in the financial analyses below.



# QUESTIONABLE AUTHORSHIP CLAIM OF BONGBONG MARCOS ON THE NATIONAL YOUTH COMMISSION ACT

Bongbong Marcos's campaign biography highlights that he "spearheaded" the passage of the Philippine Youth Commission Act. He was not the first among his colleagues in the Ninth Congress (1992-1995) to file a bill creating a national youth commission. Jaime C. Lopez filed HB00015, "An Act to Establish the Philippine Commission on Youth Development and for Other Purposes" on 1 July 1992, while Marcos filed HB04660, "An Act Creating the National Youth Commission, Defining Its Powers and Functions, Providing Funds Therefor, and for Other Purposes" on 10 November 1992. Moreover, it was not his version that eventually became the Youth in Nation-Building Act (Republic Act No. 8044, enacted on 6 July 1995)-it was another bill filed by Lopez on 15 December 1993, HB11614, titled "An Act Creating and Establishing the Philippine Youth Commission, Defining its Powers, Functions and Responsibilities, Appropriating Funds therefore, and for Other Purposes."



Figure 1. Screenshots from the House of the Representatives official website. Source: House of the Representatives. 2017. "Legislative Information System." House of the Representatives. Accessed October 10. http://www.congress.gov.ph/legis.

#### **HB00015**

[History]

Significance: National Date Filed: 1992-07-01

Full Title: AN ACT TO ESTABLISH THE PHILIPPINE COMMISSION ON YOUTH DEVELOPMENT AND FOR OTHER

Principal Author/s: LOPEZ, JAIME C.

Date Read: 1992-07-28

Primary Referral: YOUTH AND SPORTS DEVELOPMENT

Secondary Referral/s: APPROPRIATIONS Bill Status: Substituted by HB11614

Mother Bill Status: REPUBLIC ACT (RA08044) enacted on 1995-06-07

#### **HB04660**

[History]

Significance: National Date Filed: 1992-11-10

Full Title: AN ACT CREATING THE NATIONAL YOUTH COMMISSION, DEFINING ITS POWERS AND FUNCTIONS,

PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Principal Author/s: MARCOS, FERDINAND II R. Date Read: 1992-11-16

Primary Referral: GOVERNMENT REORGANIZATION

Secondary Referral/s: WAYS AND MEANS, APPROPRIATIONS, YOUTH AND SPORTS DEVELOPMENT

Bill Status: Substituted by HB11614

Mother Bill Status: REPUBLIC ACT (RA08044) enacted on 1995-06-07

#### **HB11614**

[History]

Significance: National Date Filed: 1993-12-15

Full Title: AN ACT CREATING AND ESTABLISHING THE PHILIPPINE YOUTH COMMISSION, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIE S, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES

Principal Author/s: LOPEZ, JAIME C.

Date Read: 1994-02-09 Primary Referral: RULES

House Committee Report No.: 00445

Submitting Committees: YOUTH AND SPORTS DEVELOPMENT, GOVERNMENT REORGANIZATION, APPROPRIATIONS,

WAYS AND MEANS

Date Approved on Second Reading: 1994-03-02 Date Approved on Third Reading: 1994-03-21 Senate Bill Counterpart: SB01977 Date Acted Upon By the President: 1995-06-07

Republic Act No.: RA08044

Republic Act Title: AN ACT CREATING THE NATIONAL YOUTH COMMISSION, ESTABLISHING A NATIONAL COMPREHENSIVE AND COORDINATED PRROGRAM ON YOUTH DEVELOPMENT, APPROPRIATING FUNDS THEREFOR,

AND FOR OTHER PURPOSE

Bill Status: REPUBLIC ACT (RA08044) enacted on 1995-06-07

Figure 2. Screenshots from the House of the Representatives official website.

Source: House of the Representatives. 2017. "Legislative Information System." House of the Representatives. Accessed October 10. http://www.congress.gov.ph/legis.



# FERDINAND R. MARCOS II v. COURT OF APPEALS, THE COMMISSIONER OF THE BUREAU OF INTERNAL REVENUE AND HERMINIA D. DE GUZMAN

This resolution upheld, with finality, the legality of the "action of the Commissioner of Internal Revenue of levying on real property of the estate of Ferdinand E. Marcos to recover the deficiency income tax assessments and estate tax assessment thereon," which Bongbong Marcos questioned partly in his capacity as one of his father's heirs. Bongbong's mistake, as per the resolution, was going directly to the Court of Appeals (filing a petition for certiorari) instead of exhausting the proper remedies provided by the law. As some of the other appendices show, this focus on technicalities in formulating defenses is a Marcos hallmark, and while it has not worked all the time, it prevents the Marcoses from making statements on the facts of cases. In this case, by not stating his take on how much estate tax should be levied on the Marcos estate, he avoided having to give a precise valuation of the estate. Bongbong also apparently did not make any direct protest regarding the Commissioner of Internal Revenue's assessment specifically of his deficiency income tax, which was valued "in the amounts of P258.70 pesos; P9,386.40 Pesos; P4,388.30 Pesos; and P6,376.60" for the years 1982-1985, or when he was vicegovernor/governor of Ilocos Norte (see G.R. 120880 [decision], promulgated on 5 June 1997). This is presumably the same cause of action for the criminal tax evasion case filed against Bongbong Marcos, which resulted in a nine-year sentence in July 1995 (Deseret News 1995). Marcos filed an appeal the same year (UPI 1995). It is difficult to determine what happened next based on publicly accessible sources; certainly, the sentence has not been carried out.

## References

Deseret News. 1995, 31 July. "Marcos Son Guilty of Tax Evasion." https://www.deseretnews.com/article/431031/MARCOS-SON-GUILTY-OF-TAX-EVASION.html?pg=all.

UPI (United Press International). 1995, 2 August. "Marcos Jr. Arrives to Appeal Conviction." https://www.upi.com/Archives/1995/08/02/Marcos-Jr-arrives-to-appeal-conviction/2702398003006.

# Republic of the Philippines SUPREME COURT Manila

[G.R. No. 120880. January 13, 1999]

FERDINAND R. MARCOS II vs. CA, et al.

#### THIRD DIVISION

#### Gentlemen:

Quoted hereunder, for your information, is a resolution of this Court dated JAN 13, 1999.

G.R. No 120880 (Ferdinand R. Marcos II vs. Court of Appeals, The Commissioner of the Bureau of Internal Revenue and Herminia D. de Guzman.)

The present case involves the action of the Commissioner of Internal Revenue of levying on real property of the estate of Ferdinand E. Marcos to recover the deficiency income tax assessments and estate tax assessment thereon. Instead of exercising the remedies afforded him by the tax code, petitioner Ferdinand R. Marcos II, as an heir of the late president, filed a petition for *certiorari* and prohibition with application for preliminary injunction and/or temporary restraining order with the Court of Appeals to enioin the collection of the tax assessments.

The Court of Appeals in a decision1 [Penned by Court of Appeals Associate Justice Asaali S. Isnani and concured in by Associate Justice Ibay-Somera and Lipana-Reyes, rollo, pp. 7-13.] promulgated on November 29, 1994 dismissed the petition on the ground that the deficiency income tax assessments and estate tax assessments were final and unappealable. The summary tax remedy of levy of real property as a distinct and separate remedy from the other tax remedies (judicial civil and criminal actions), was not affected or precluded by the pendency of any other tax remedies instituted b the government. The prayer for injunction was not granted since Section 219 of the Tax Code expressly prohibits courts from enjoining or restraining the collection of any national internal revenue tax, fee, or charge imposed by the Code, subject, however, to certain exceptions, of which petitioner failed to prove were applicable.

On August 8, 1995, petitioner filed a petition for review on *certiorari2* [Rollo, pp. 21-74.] before this Court assailing the appellate court's decision. Petitioner alleged that the appellate court erred in ruling that the summary tax remedies resorted to by the government were not affected and precluded by the pendency of the probate proceedings of his late father's estate; that since the tax assessments of petitioner and his parents had become final and unappealable, the manner and method in which tax collection is sought to be enforced can no longer be questioned; and that the appellate court had no power to grant injunctive relief to petitioner.3 [*Ibid*, pp. 35-36.]

On June 5, 1997, the Court denied the petition and affirmed in all respects the decision of the Court of Appeals promulgated on November 29, 1994. The Court of Appeals promulgated on November 29, 1994. The court emphasized that petitioner's objections cannot be raised via a petition for *certiorari* under the pretext of a grave abuse of discretion. Any objection to the assessments should have been raised with the Bureau of Internal Revenue and the Court of Tax Appeals as provided under the Tax Code. The subject tax assessments having become final executory and enforceable the same can no longer be

Figure 1. A screenshot from the Supreme Court of the Philippines website.

*Source:* Supreme Court of the Philippines. 1999. "Ferdinand R. Marcos II vs. Court of Appeals, The Commissioner of the Bureau of Internal Revenue and Herminia D. de Guzman, G.R. No. 120880, 13 January 1999." Republic of the Philippines.

http://www.chanrobles.com/scresolutions/resolutions/1999/january/120880.php.

APPENDIX 3.5 Marcos v. CA 451

G.R. No. 120880. January 13, 1999 Third Division

The present case involves the action of the Commissioner of Internal Revenue of levying on real property of the estate of Ferdinand E. Marcos to recover the deficiency income tax assessments and estate tax assessment thereon. Instead of exercising the remedies afforded him by the tax code, petitioner Ferdinand R. Marcos II, as an heir of the late president, filed a petition for certiorari and prohibition with application for preliminary injunction and/or temporary restraining order with the Court of Appeals to enjoin the collection of the tax assessments.

The Court of Appeals in a decision<sup>1</sup> [Penned by Court of Appeals Associate Justice Asaali S. Isnani and concured in by Associate Justice Ibay-Somera and Lipana-Reyes, rollo, pp. 7-13.] promulgated on November 29, 1994 dismissed the petition on the ground that the deficiency income tax assessments and estate tax assessments were final and unappealable. The summary tax remedy of levy of real property as a distinct and separate remedy from the other tax remedies (judicial civil and criminal actions), was not affected or precluded by the pendency of any other tax remedies instituted b the government. The prayer for injunction was not granted since Section 219 of the Tax Code expressly prohibits courts from enjoining or restraining the collection of any national internal revenue tax, fee, or charge imposed by the Code, subject, however, to certain exceptions, of which petitioner failed to prove were applicable.

On August 8, 1995, petitioner filed a petition for review on certiorari<sup>2</sup> [Rollo, pp. 21-74.] before this Court assailing the appellate court's decision. Petitioner alleged that the appellate court erred in ruling that the summary tax remedies resorted to by the government were not affected and precluded by the pendency of the probate proceedings of his late father's estate; that since the tax assessments of petitioner and his parents had become final and unappealable, the manner and method in which tax collection is sought to be enforced can no longer be questioned; and that the appellate court had no power to grant injunctive relief to petitioner.<sup>3</sup> [*Ibid*, pp. 35-36.]

On June 5, 1997, the Court denied the petition and affirmed in all respects the decision of the Court of Appeals promulgated on November 29, 1994. The Court of Appeals promulgated on November 29, 1994. The court emphasized that petitioner's objections cannot be raised via a petition for certiorari under the pretext of a grave abuse of discretion. Any objection to the assessments should have been raised with the Bureau of Internal Revenue and the Court of Tax Appeals as

provided under the Tax Code. The subject tax assessments having become final, executory and enforceable, the same can no longer be contested by means of a protest. Certiorari may not be used as a substitute for a lost appeal or remedy.<sup>4</sup> [Dela Paz vs. Panis, 245 SCRA 242.]

On June 23, 1997, petitioner filed a motion for reconsideration; meantime, on June 17, 1997, Imelda R. Marcos, mother of the petitioner, filed a motion for leave to intervene and to refer the motion for reconsideration to the court en banc. The Court denied the motions in a Resolution adopted on September 29, 1997, for lack of merit.

On November 24, 1997, petitioner filed a second motion for reconsideration of the June 5, 1997 decision. On December 11, 1997, Imelda R. Marcos followed suit when she filed a similar motion.<sup>5</sup> [Rollo, pp. 1063-1065.]

It is evident from the averments of the second motion for reconsideration, and the lengthy memorandum of authorities in support thereof that petitioner raises no new issue sufficient to warrant a reversal or modification of the ruling in the Court's decision promulgated on June 5, 1997.

Moreover, no other person than petitioner is to blame for the expiration of the period within which to question the assessments.

We do not see any cogent or compelling reason to allow the same issues to be opened anew in the instant petition. As a settled rule, once a judgment or an order has become final, issues therein should be laid to rest. The reason is grounded on the fundamental considerations of public policy and sound practice that, at the risk of occasional error, the judgments or orders of courts must become final at some definite date fixed by law.<sup>6</sup> [Garbo vs. Court of Appeals, 226 SCRA 250, pp.255-256.]

IN VIEW OF THE FOREGOING, the Court hereby denies the second motion for reconsideration of Ferdinand R. Marcos II and Imelda R. Marcos for lack of merit. This denial is final.

SO ORDERED.

Very truly yours,

(Sgd.) JULIETA Y. CARREON Clerk of Court



# HEIR TO THE THRONE

These documents show how Bongbong Marcos was apparently being groomed to become his father's heir during the martial law era. The first is a declassified cable about what appears to be his first Malacañang appointment, as "Presidential Special Assistant." No post-EDSA Revolution biographical note—campaign or otherwise—on Bongbong Marcos thus far mentions this appointment, let alone details what his duties were in that capacity. This appears to be an attempt to mirror his father's appointment as a technical assistant to President Manuel Roxas. The second document is another declassified cable describing Bongbong Marcos's membership in the Philippine Constabulary Reserves. Marcos Sr. was of course a member of the Reserve Officers' Training Corps. The last document concerns Bongbong Marcos's (lackluster) academic record in Oxford University. Marcos clearly wanted his children to be alumni of prestigious institutions like himself, or at least ensure that they appear to have inherited his vaunted intellect. What government resources were tapped, if any, to ensure that Bongbong Marcos has the credentials to feasibly become his father's heir to the presidency remains to be researched.

#### Sources

- Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 137, File Nos. 2001–03.
- US Department of State. 1978 November 28. "Bongbong' Marcos Become Presidential Special Assistant." Document number 1978MANILA21215, film number D780491-0609. https://aad.archives.gov/aad/createpdf?rid=296406&dt=2694&dl=2009.
- US Department of State. 1979 January 25. "Ferdinand Marcos Jr. Joins the Constabulary Reserves." Document number 1979MANILA01849, film number D790039-0705. https://aad.archives.gov/aad/createpdf?rid=122294&dt=2776&dl=2169.

PAGE 01 MANILA 21215 281055Z ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 INR-10 NSAE-00 PM-05 NSC-05 SP-02 SS-15 PA-02 ICA-20 /072 W

-----107188 290404Z /14

R 280823Z NOV 78 FM AMEMBASSY MANILA TO SECSTATE WASHDC 5097

**UNCLAS MANILA 21215** 

E.O. 11652: N/A

TAGS: PINT, PINR, RP

SUBJECT: "BONGBONG" MARCOS BECOME PRESIDENTIAL SPECIAL

ASSISTANT

FERDINAND MARCOS, JR. ("BONGBONG"), 21, WAS SWORN IN BY HIS FATHER AS SPECIAL ASSISTANT TO THE PRESIDENT ON NOVEMBER 24. ACCORDING TO PRESS ACCOUNTS, BONGBONG HOLDS A SPECIAL DIPLOMA IN SOCIAL STUDIES FROM OXFORD UNIVERSITY. MURPHY

APPENDIX 3.6 Heir to the Throne 455

PAGE 01 MANILA 01849 260624Z ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-10 NSAE-00 PA-02 ICA-20 SP-02 /047 W

-----078052 261455Z/53

R 250959Z JAN 79 FM AMEMBASSY MANILA TO SECSTATE WASHDC 7852

**UNCLAS MANILA 01849** 

E.O. 12065: N/A

TAGS: PINT, PINR, RP

SUBJECT: (U) FERDINAND MARCOS JR. JOINS THE CONSTABULARY

- RESERVES

REF: 78 MANILA 21215

- 1. MEDIA HAVE HIGHLIGHTED NEWS THAT FERDINAND MARCOS JR. (BONGBONG) HAS JOINED THE PHILIPPINE CONSTABULARY RESERVES AS SECOND LIEUTENANT. YOUNG MARCOS IS REPORTEDLY UNDERGOING THE SIX MONTH MARINE BASIC OFFICERS COURSE WITH 45 OTHER STUDENT OFFICERS. HE HAS BEEN ELECTED PRESIDENT OF HIS OFFICERS' CLASS. (ONE COLUMNIST NOTED TONGUE-INCHEEK THAT THIS CLASS IS NOW SURE TO PRODUCE A HIGH PERCENTAGE OF GENERALS.)
- 2. YOUNG MARCOS CONTINUES TO HOLD THE POSITION OF PRESIDENTIAL SPECIAL ASSISTANT AND IS SUPPOSED TO RETURN TO MALACANANG AFTER BASIC TRAINING. MURPHY

H.E. PRESIDENT MARCOS
MALACANANG
MANILA

MIS-169 I HAVE JUST ARRIVED FROM OXFORD AFTER ATTENDING A TWO-WEEK INTERNATIONAL CONFERENCE DURING WHICH TIME I CONFERRED WITH DR KELLY TWICE REGARDING BONGBONG'S PROGRESS IN SCHOOL. I VERY MUCH REGRET TO REPORT THAT BONGBONG PASSED IN ONLY ONE OF THREE SUBJECTS HE TOOK IN THE PRELIMINARY EXAMINATION. HE PASSED PHILOSOPHY BUT FAILED IN ECONOMICS AND POLITICS.

DR. KELLY POINTED OUT THAT THIS IS NOT UNUSUAL. WHAT WAS UNUSUAL WAS THAT BONGBONG PASSED IN THE MORE DIFFICULT SUBJECT OF PHILOSPHY. HE ONLY JUST FAILED IN THE TWO SUBJECTS WHICH ARE REGARDED AS EASIER. DR KELLY ALSO POINTED OUT THAT BONG IS A CLEVER YOUNG MAN BUT THAT HE NEEDS TO APPLY HIMSELF MORE TO HIS STUDIES. HIS GRADES ARE AS FOLLOWS:

PHILOSPHY GAMMA -- (PASS)

POLITICS GAMMA -- (FAIL)

OXFORD SYSTEM, A STUDENT WHO FAILS WHOLE OR PART OF PRELIMINARY EXAMINATION HAS OPPORTUNITY OF RE-SITTING IT IN SEPTEMBER. BONG DOES NOT HAVE TO TAKE PHILOSOPHY AGAIN, ONLY ECONOMICS AND POLITICS. AS HE ALMOST PASSED IN THE TWO SUBJECTS, THERE IS EVERY CHANCE HE WILL GET THROUGH AT SECOND ATTEMPT PROVIDED HE REVISES THOROUGHLY DURING THE VACATION. HIS TUTOR HAS ASKED DR KELLY TO ADVISE BONG TO RETURN EARLY TO OXFORD TO PUT IN SOME CONCENTRATED REVISION.

ALTERNATIVELY, BONG MAY ALSO HAVE TUTORIALS THERE UNDER FILIPINO PROFESSORS. FOR THIS PURPOSE, DR KELLY ADVISED ME TO SECURE PREVIOUS YEARS' TEST PAPERS TO GIVE TUTORS AN IDEA OF WHAT IS REQUIRED OF BONG IN THE EXAMS. THESE I HAVE SECURED AND I AM SENDING THEM BY FIRST AVAILABLE MEANS.

ALTERNATIVELY, BONG MAY ALSO HAVE TUTORIALS THERE UNDER FILIPINO PROFESSORS. FOR THIS PURPOSE, DR KELLY ADVISED ME TO SECURE PREVIOUS YEARS' TEST PAPERS TO GIVE TUTORS AN IDEA OF WHAT IS REQUIRED OF BONG IN THE EXAMS. THESE I HAVE SECURED AND I AM SENDING THEM BY FIRST AVAILABLE MEANS.

DATE OF PRELIMINARY EXAMINATION IS THURSDAY, 30 SEPTEMBER.

THERE IS FORM TO BE COMPLETED BY CANDIDATES WHICH I CAN DO FROM

THIS END AS SOON AS I GET ADVICE THAT BONG WISHES TO RE-SIT

PRELIMINARY EXAMINATION. PLEASE INSTRUCT ME SOONEST POSSIBLE

SO I CAN INFORM DR KELLY.

DR. KELLY POINTED OUT THAT BONG MUST PASS THE

EXAMINATION THE SECOND TIME AS COLLEGE REGULATIONS ALLOW ONLY TWO
ATTEMPTS ON IT. FAILURE TO DO SO WOULD MEAN THAT BONG.

IN DR KELLY'S WORDS. ''HAS TO GO OUT OF RESIDENCE FOR GOOD''
WHICH WOULD BE GREATLY REGRETTABLE IN BONG'S CASE AS DR KELLY
AND HIS TUTORS ARE CONVINCED BONG HAS ALL THE ABILITY TO MAKE
GOOD.

I DEEPLY REGRET I COULD NOT REPORT MORE POSITIVELY. I
AWAIT YOUR INSTRUCTIONS. I AM LEAVING FOR MANILA FIRST WEEK
AUGUST AND WILL SEE DR KELLY BEFORE I DEPART. WITH GREATEST
RESPECTS END

ARAQUE

AMBAPHIL LONDON

MIS-170 RECURCAB 169 PLEASE MAKE FOLLOWING CORRECTIONS:

ECONOMICS GAMMA -- (FAIL) SHOULD READ ECONOMICS GAMMA- (FAIL)

PHILOSOPHY GAMMA -- (PASS) SHOULD READ PHILOSOPHY GAMMA++ (PASS)

POLITICS GAMMA -- (FAIL) SHOULD READ POLITICS GAMMA- (FAIL)

THIRD PARAGRAPH SHOULD BEGIN UNDER OXFORD SYSTEM NOT OXFORD
SYSTEM, REPEAT UNDER OXFORD SYSTEM



# (GOVERNOR) BONGBONG MARCOS, GAME HUNTER

How distinct was Bongbong Marcos from his father? As a government official during the dictatorship, did he copy his father's iron-fist style, or did he take after his father in some other way? The following may give us a clue. Bongbong Marcos has stated that one of his hobbies is hunting, and that he had hunted in Calauit, which his father had populated with African animals after relocating the native Tagbanua. The following photographs further confirm that fact. Also included here is a document connected to Bongbong's fondness for hunting that, more importantly, also gives a glimpse of how well he fulfilled his duties as governor of Ilocos Norte from 1983-1986. The communication details a plan by Bongbong to go to hunting in Tanzania for twenty-one days with his brother-in-law Greggy Araneta and friend Ramonito Durano Jr. in October 1985. That he was willing to leave his constituents for so long to travel for pleasure—with his father's blessing (and international arms dealer Adnan Kashoggi's assistance) it seems, based on the signed note on the upper right-hand corner-corroborates one observation in a declassified diplomatic cable dated 7 November 1983 ("Subject: Peace and Order Conditions in Northern Luzon"). According to page 22 of that cable, which can be accessed (for a fee) via the Digital National Security Archive (nsarchive.gwu.edu/dnsa-collections), Bongbong Marcos "had rarely visited the province [and] that the governor was trying to run the province by 'remote control' from [Manila; furthermore,] Governor Marcos has refused to authorize anyone to make decisions in his absence, causing serious administrative problems."

#### Reference

US Department of State. 1983. "Subject: Peace and Order Conditions in Northern Luzon." Confidential airgram, 7 November, A-33. Digital National Security Archive, "The Philippines: U.S. policy during the Marcos years, 1965–1986."

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 251, File Nos. 0258–59.







Urrsidential Security Command

MALACAÑANG, MANILA

MEMORANDUM for:

The PRESIDENT

GOVERNOR BONG-BONG plans to go on hunting trip to Tanzania. With him will be Mr. Greggy araneta and MP Ramonito Durano Jr. The Governor plans to leave on Monday 7 October 1985, while Mr. Araneta, who irranged for this trip with a tour/travel agency in Seattle, washington, will leave three days later, 10 October 1985.

The Philippine Government, civilian or military has no contact much less representative with Tanzania. The nearest Ministry of Foreign Affairs post is in Nairobe, Kenya. The head of the Post is Consul Nitoy Alberto of Laguna, a personal choice of the Acting Minister of Foreign Affairs, Minister Pacifico Castro.

The activities in Tanzania was arranged and will be controlled by the tour and travel agency. Inland transportation to be provided, particularly in the hunting areas, will be land rover and small twin engine aircrafts with a maximum capacity of eight passengers. The hotel provides generally French cuisine although the party was advised to bring canned foods and drinks.

It will be recalled that the President of Tanzania, President Julius Nyerere sent his army to support the installation of the President who took over from Idi Amin when the latter was deposed. Lately, the same President was also deposed.

The following coordinations has been made:

a) The Ministry of Foreign Affairs has directed the Consulate in Jeddah, Saudi Arabia, to obtain the visas for the members of the party for Tanzania which will be handed to them at the airport in Jeddah where the party will have stop-over for eight hours.

/b) Consul Nitoy Alberto

- b) Consul Nitoy Alberto will proceed from Nairobe to Dar-Es-Salaam to meet and stay with the party. In addition, Minister Castro offers to send Mr. Joey Castro of the Ministry of Foreign Affairs from Manila to join the party. He was the same Ministry of Foreign Affairs Official who went with the Governor in his trip to Romania.
- c) The carrying of firearms both for the security and the hunting has been properly coordinated.
- d) No security arrangement in the place of travel has been made due to lack of contact for coordination.

#### RECOMMENDATIONS:

- a) Minister Castro recommends that the stay of the Governor and party in Tanzania will be limited to three to four days only instead of the planned twenty one days.
- b) That the Governor should bring with him a letter from His Excellency, PRESIDENT FERDINAND E MARCOS for the President of Tanzania whom he met in Cancun, Mexico.
- c) He recommends further that unless there is a more important purpose of his trip than just hunting, the projected trip should be temporarily postponed if not totally cancelled.
- d) The Command strongly concurs with the above recommendations, particularly the cancellation.

Request guidance.

GEN BARANGAN OCTOBER 81

Enclosed is the proposed itinerary



SENATE BILL 2593, "AN ACT CREATING A HYDROGEN RESEARCH AND DEVELOPMENT CENTER AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES," 15 NOVEMBER 2010

Of the bills filed by Senator Ferdinand "Bongbong" Marcos Ir., this is one that best recalls his ties to his mother. According to Ben D. Kritz, in an article titled "Did Businessweek Fall for a 30-year-old Hoax?" published in The Manila Times on 28 October 2013, Imelda Marcos was told in the 1970s that the Philippines has vast deuterium deposits in the Philippine Trench, and has since been spending "millions of dollars a year' to secure an exclusive right to extract water from the trench." Kritz (2013) thereafter cites a study that showed that "[shallower] waters...actually have a slightly higher amount of deuterium" than undersea trenches, and that the former dean of the UP College of Science and nuclear physicist Roger Posadas, once "offered a scathing assessment of the country's enthusiasm for the potential of deuterium" in a 1988 article published in The Manila Standard Today, "saying that the whole yarn was 'a gauge of our country's extremely unscientific culture and strong proclivity toward reliance on miracles as solutions to our national problems." Bongbong Marcos's bill states the myth that the Philippines has the world's biggest deuterium deposits not only in its explanatory note, but also in the bill's declaration of policy ("hydrogen has been proven to be most abundant in the country").

## Reference

Kritz, Ben D. 2013. "Did Businessweek Fall for a 30-year-old Hoax?" The Manila Times, October 28. http://www.manilatimes.net/did-businessweek-fall-for-a-30-year-old-hoax/48710.

#### Source

Senate of the Philippines. 2010. "Senate Bill No. 2593." Senate of the Philippines 15th Congress, November 15. https://www.senate.gov.ph/lisdata/103828908!.pdf.

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



'10 NOV 15 A10:53

SENATE. Senate Bill No. **2593** 

RECEIVED BY: 2

### INTRODUCED BY SENATOR FERDINAND R. MARCOS, JR.

### **EXPLANATORY NOTE**

The Philippines is highly dependent on oil imports not only to pump the economy but most especially to fill its domestic requirements under a regime of increasing costs of importation. Thus, the volatility of the oil prices in the world market which is dictated by the cartel of the Organization of Petroleum Exporting Countries (OPEC) is a retarding agent in the country's efforts for a more rapid economic development. In fact, the unprecedented soaring of the oil prices in the year 2008 which preceded the global financial crisis that gravely hit even the world's advanced economies, is a clear indication on how steep oil prices can adversely affect the country's economy.

The government's thrust to intensify the exploration of available energy resources in the country, both its oil and alternative fuel energy resources, is a decisive step towards mitigating the alarming impact of overdependence by the country on oil imports. However, with the emerging issue of global warning which is attributed to excessive carbon emission from the burning of fossil fuels, and its projected serious impact on agriculture-based countries and low lying areas, the concentration has turned towards the development and utilization of alternative fuel energy sources which have been found to be abundant in the country, e.g. hydrogen.

Hydrogen is a highly flammable substance but with zero carbon emission. It is now used in Canada, America, Germany and Sweden to provide fuel for cars, trucks, jet planes, etc.. Hydrogen is being processed from deuterium which is heavy water or hydrogen water without oxygen. This is obtained from the deep trenches of the world and the world's largest deposit of deuterium is in the Philippines. Thus, a breakthrough in the development and utilization of hydrogen holds promise not only for the accelerated economic growths of the country but also for a much cleaner air which abates the effects of global warning.

This bill seeks to establish a Hydrogen Research and Development Center which will lay the foundation for and spearhead the development of hydrogen in the country, which is said to be the fuel of the future.

Earnest approval of this bill is hereby requested.

FERDINAND R. MARCOS, JR.

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



10 NOV 15 A10:53

SENATE Senate Bill No. 2593

RECEIVED BY: 2

### INTRODUCED BY SENATOR FERDINAND R. MARCOS, JR.

## AN ACT CREATING A HYDROGEN RESEARCH AND DEVELOPMENT CENTER AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title- This Act shall be known as "The Hydrogen Research, Promotion and Development Act of 2010".

SECTION 2. Declaration of Policy- It is hereby declared the policy of the State to support and encourage the use and development of hydrogen as alternative source of fuel energy and recognizes its importance to reduce greenhouse gasses in the atmosphere which is a pressing humanitarian issue, as well as its potential contribution to the country's economy. Towards this end, the government shall endeavor to provide an avenue for the research, promotion, development and utilization of hydrogen as an alternative source of fuel energy as hydrogen has been proven to be most abundant in the country.

SECTION 3. Philippine Hydrogen Research and Development Center. - There is hereby created a Philippine Hydrogen Research and Development Center, hereinafter referred to as the "Center", which shall be managed, operated and maintained by the Department of Science and Technology (DOST).

SECTION 4. Powers and Functions. - The Center shall have the following powers and functions:

- To conduct research and promotion for the development and utilization of hydrogen in the country;
- To identify the potential areas for development of hydrogen which include the preparation of development programs for the identified areas;
- To initiate and/or encourage inventions of machineries, equipment, vehicle and the like to be powered by hydrogen;
- d. To serve as the core network of foreign investments on the development and utilization of hydrogen;
- e. To perform such acts as may be necessary for the effective implementation of to this Act.

- SECTION 5. Rules and Regulations.- The Department of Science and Technology, in coordination with the Department of Energy, shall formulate the rules and regulations necessary for the implementation of the provision of this Act.
- SECTION 6. Appropriations.—The amount needed to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the years following its enactment into law, in addition to the amount appropriated for the Department of Science and Technology.
- SECTION 7. Separability Clause.- If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect
- SECTION 8. Repealing Clause.—All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.
- SECTION 9. Effectivity.- This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette, whichever comes first.

Approved.



### FOREWORD, FERDINAND E. MARCOS ON HUMAN RIGHTS

Dean Froilan Bacungan was one of the editors of Ferdinand E. Marcos on Human Rights, which consists entirely of excerpts from the Marcos (ghostwritten) oeuvre, classified under chapters with titles such as "The Right to Dissent" and "Human Rights and Economic Development." Though the editors claim that this was produced of their own volition (with Marcos's imprimatur), there are signs that the book was produced with the help of Marcos propagandists, e.g., the book's cover is a painting by Andres Cristobal Cruz, a mainstay of Marcos's propaganda group.

### Foreword

Ferdinand E. Marcos has often expressed his thoughts and concerns as the leader and President of the Filipino people "in the barricades and in the vortex of events," to use his happy phrase.

This book, Ferdinand E. Marcos on Human Rights, is a response to the ever-increasing need to have more than just a pamphlet or a collection of his numerous speeches. As a man who has placed himself before history and his people's judgment, President Marcos has dared to commit his whole being and the resources of his office in the service of what he calls "the rebellion of the poor." He has himself authorized the simplification of all his books and policy pronouncements "for the benefit, to begin with, of the entire bureaucracy."

That suggestion was the primary reason why the University of the Philippines Law Center and the Philippine Council for Policy Science have joined hands in editing this book. But the more fundamental objective was to present the essential thoughts of the Filippine leader on the subject of human rights as these evolved through his dedication to his people's struggle for social justice and development.

The years from 1965 to the present are for the Phlippines and the Filipinos as excitingly fateful as they are critical and challenging. In this still-unfolding period, the Marcos leadership has touched the past, the present and the future of Philippine society.

1

Figure 1. A copy of the book's foreword.

Source: Bacungan, Froilan M., Armando F. Bonifacio, Purificacion Valera-Quisumbing, and Myrna S. Feliciano. 1977. Ferdinand E. Marcos on Human Rights. Quezon City: University of the Philippines Law Center.

Ferdinand E. Marcos has often expressed his thoughts and concerns as the leader and President of the Filipino people "in the barricades and in the vortex of events," to use his happy phrase.

This book, Ferdinand E. Marcos on Human Rights, is a response to the ever-increasing need to have more than a just pamphlet or a collection of his numerous speeches. As a man who has placed himself before history and his people's judgment, President Marcos has dared to commit his whole being and the resources of his office in the service of what he calls "the rebellion of the poor." He has himself authorized the simplification of all his books and policy pronouncements "for the benefit, to begin with, of the entire bureaucracy."

That suggestion was the primary reason why the University of the Philippines Law Center and the Philippine Council for Policy Science have joined hands in editing this book. But the more fundamental objective was to present the essential thought of the Filipino leader on the subject of human rights as these evolved through his dedication to his people's struggle for social justice and development.

The years from 1965 to the present are for the Philippines and the Filipinos as excitingly fateful as they are critical and challenging. In this still-unfolding period, the Marcos leadership has touched the past, the present and the future of Philippine society.

The selections, hopefully, will show the growth of a vision enriched by the historic experience of a people, who have always aspired for a government that shall truly govern.

President Marcos has stood by his affirmation "that we are a people have fought for human rights, for the recognition of our essence as individuals with dignity and freedom" (1968). With a sense of urgent constancy, he gives notice to all that "our commitment to human rights and the welfare of our people, like our commitment to our sovereignty and territorial integrity, is an irrevocable one. It is a commitment that has led us into making hard and controversial decision in the ordering of our national priorities and the restructuring of our institutions" (1977).

This book is a manifest of that commitment.

-The Editors



# CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, "SUPREME COURT JUSTICE CALLS FOR LIFTING OF MARTIAL LAW," 7 JULY 1976

Widely known as the "Great Dissenter," this cable shows Justice Claudio Teehankee Sr.'s ability to counter Marcos with the latter's legalistic finesse, i.e., by stating that mere advocacy of the lifting of martial law was legally permissible since the president himself declared that it was only a temporary necessity. Ambassador William H. Sullivan noted that Teehankee was "somewhat nervous" when asked about his "activist" stance, which suggests that in 1976, Justice Teehankee knew how to confine his opposition to martial rule within the bounds of the law. Justice Antonio Barredo, meanwhile, is portrayed in this cable as someone who considers himself privy to president Marcos's thoughts, or in any case fully trusts the wisdom of the president.

### LIMITED OFFICIAL USE MANILA 9739

E.O. 11652: N/A TAGS: PINT, RP

SUBJECT: SUPREME COURT JUSTICE CALLS FOR LIFTING OF MARTIAL LAW

REF: MANILA 8651

1. IN JUNE 30 ADDRESS AT COSMOPOLITAN CHURCH, SUPREME COURT JUSTICE CLAUDIO TEEHANKEE SAID IT WAS TIME PRESIDENT LIFTED MARTIAL LAW. HE EXPRESSED HOPE HIS FELLOW CITIZENS HAD LEARNED LESSON THAT DEMOCRACY CANNOT BE ABUSED (APPARENT REFERENCE TO PRE-MARTIAL LAW "LICENSE"). HE SAID, "IF WE ADHERE TO THIS LESSON, I BELIEVE IT IS THE TIME INDEED THAT WE RETURN TO NORMALCY AND PETITION FOR A DISMANTLING OF MARTIAL LAW." HE URGED THOSE SHARING THIS VIEW TO "RAISE THEIR VOICES AND DEMAND THE TERMINATION OF MARTIAL LAW SOONER THAN LATER." ACCORDING TO AP, TEEHANKEE ALSO REFERRED TO UNDERSECRETARY OF DEFENSE BARBERO'S REMARKS IN SAME FORUM (REFTEL) ON NEED TO END MARTIAL LAW SOONER RATHER THAN LATER. TEEHANKEE COMMENTED ADVOCATING RETURN TO CIVIL RULE WAS "NOT DISSIDENCE, DISLOYALTY OR SUBVERSION" SINCE PRESIDENT HAD DECLARED MARTIAL LAW A TEMPORARY CONSTITUTIONAL EXPEDIENT WHICH WOULD BE LIFTED WHENEVER PEOPLE DEMANDED.

Figure 1. A copy of the declassified cable.

Source: US Department of State. 1976 July 7. "Supreme Court Justice Calls for Lifting of Martial Law." Document number 1976MANILA09739, film number D760263-0261. https://aad.archives.gov/aad/createpdf?rid=151581&dt=2082&dl=1345.

Margaret P. Grafeld Declassified

Released US Department of State EO Systematic Review 04 May 2006 Limited official use

Page 01 Manila 09739 070217z

11

Action EA-09

Info oct-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05 SAM-01 IO-13 /075 W

---- 032280

R 070147z jul 76

FM AMEmbassy Manila

To SecState WashDC 7054

Limited official use Manila 9739

E.O. 11652: N/A

Tags: PINT, RP

Subject: Supreme Court justice calls for lifting of martial law

Ref: Manila 8651

- 1. In June 30 address at cosmopolitan church, Supreme Court Justice Claudio Teehankee said it was time president lifted martial law. He expressed hope his fellow citizens had learned lesson that democracy cannot be abused (apparent reference to pre-martial law "license"). He said, "if we adhere to this lesson, I believe it is the time indeed that we return to normalcy and petition for a dismantling of martial law." He urged those sharing this view to "raise their voices and demand the termination of martial law sooner than later." According to AP, Teehankee also referred to undersecretary of defense Barbero's remarks in same forum (reftel) on need to end martial law sooner rather than later. Teehankee commented advocating return to civil rule was "not dissidence, disloyalty or subversion" since president had declared martial law a temporary constitutional expedient which would be lifted whenever people demanded.
- 2. Teehankee's address comes eight days after his Supreme Court colleague, Justice Antonio Barredo, told group of municipal officials and judges that he foresaw "dawning" of the country's return to normalcy since president Marcos was not bent on prolonging martial law. Barredo, who defended court against charges it had become president Marcos' "puppet," said president Marcos had indirectly indicated his desire ro end martial law by holding referenda in 1973

and 1975 on its continuance. Barredo contended tt was the people themselves who opted for the continuation of martial law since it had been good for the country and had enabled the president to pursue his reform programs.

3. Comment: This is the thiird [sic] time in less than a month that a prominent government figure has called for termination of martial law. Whereas Barbero's and Barredo's comments were featured in guided press, so far Teehankee's have not been reported. Barbero and Barredo, of course, emphasized Marcos must be final judge on when it is possible to lift martial law. Teehankee takes much more of an activist stance suggesting the people "must raise their voices and demand termination of martial law." when Emboff raised question of his stand with Teehankee on July 3, however, he seemed somewhat nervous and emphasized that everything he had said had been "culled from his own opinions." in REGJYL## We doubted Marcos had any intention of summoning ina [sic] soon which would be corollary of lifting of martial law and end of legislation by decree. This is still our best judgement although president now appears to be flirting with idea of elections for national legislative advisory council to serve as surrogate legislature (see Manila 9600).

Sullivan Note by OC/T: ## as received. Limited official use NNN



# EXCERPTS FROM LUNETA V. SPECIAL MILITARY COMMISSION, G.R. No. L-49473, AND THE CONCURRING OPINION BY CHIEF JUSTICE FERNANDO

Brazenly, in this decision declaring that, inter alia, the right to speedy trial of the petitioners—all martial law-era detainees—was not violated by the government, Justice Antonio Barredo gave praise—literally to the high heavens—to the president and the first lady. In his short concurring opinion, chief justice Fernando seconded Barredo's sentiments, though in a more subdued manner. As in other cases concerning abuses of power during martial law, Justice Claudio Teehankee Sr. appended a brief dissenting opinion.

Petition in G. R. No. L-49473, denominated and defined by petitioners themselves as for:

Nature of Petition And Issues

- 2.01. *Habeas Corpus*.-Insofar as petitioners named in paragraph 1.01. above as being under detention at Camp Bagong Diwa (formerly Bicutan Rehabilitation Center), Taguig, Rizal, and at MSU Fort Bonifacio, Rizal, are concerned, this is petition for Habeas Corpus based upon two grounds:
  - (a) That their right to a speedy trial has been violated, since most of them were arrested in 1974, brought to trial only on July 7, 1977, before Military Commission No. I as Case No. MC-1-92, and the proceedings were thereafter abruptly suspended on or about November 17, 1977: then the case was refiled before Military Commission No. 24 as Case No. MC-24-9; but no hearings whatsoever were held before said Military Commission No. 24, all being

Figure 1. A copy of the case from Chan Robles Virtual Law Library.

Source: Supreme Court of the Philippines. 1981. "Jose Luneta, Peter Mutuc, Robert Azarcon, Manuel Chiongson, Fernando Tayag, Herminigildo Garcia IV, Edgar Pilapil, Winifredo Hilao, Teodorico Ramirez, Romeo Enriquez, Achilles Simon, Jovita Valiente, Domingo Luneta, Zenaida Delica-Luneta, Delfin Delica-Amaryllis Hilao, Violeta Sevandal, Edgardo Maranan, Aida Santos-Maranan, Aida Santos-Ocampo, Saturnino Ocampo, Francisco Luneta, Julius Fortuna, Ernesto Luneta, Benildo Carlos, Milagros Astorga-Garcia, Jean Cacayorin-Tayag, Fidel Agcaoili, Rosario Agcaoili, Tenardio Rivera, Bonifacio Iligan, and Arturo Agana, Petitioners, vs. Special Military Commission No. 1, The Trial Counsel Of Special Military Commission No. 1; and The Ministry of National Defense, Respondents, G.R. No. L-49473, 16 January 1981."

http://www.chanrobles.com/scdecisions/jurisprudence1981/jan1981/gr 49473 1981.php.

Barredo (ponente): "Incidentally, it is a matter of common knowledge that after the martial law cases pending before this Court shall have been disposed of, martial law in our beloved country will be lifted. In my first opinion written after it was imposed, I exhorted 'God bless the Philippines!' As January 17, 1981 the date commonly known as set for its lifting approaches, with a heart full of joy and gratefulness to the Lord, the President and the First Lady, who have jointly worked so hard to improve the quality of life of the Filipinos, to revive our valued nature virtues and traditions and to enhance the dignity of the Philippines as worthy member of the society of respected nations the world over, and all others concerned, I should shout as I do – ALLELUIA!"

Fernando (concurring): "The consistent course of decisions of this Court as to the jurisdiction of military tribunals to try civilians in accordance with the Transitory Provisions of the Constitution, starting from Aquino Jr. v. Military Commission to Buscayno v. Ponce Enrile and Sison v. Ponce Enrile call for concurrence in the result. The petitions must be dismissed. With the reservation of Justice Barredo that the other legal questions raised will be dealt with in a 'more extensive opinion,' I refrain from any further statement of my views except to accord full recognition, as the opinion does, to the impressive performance of the President and the First Lady in improving the quality of life of the Filipinos, reviving our valued virtues and traditions, and enhancing the dignity of the nation. There is also no question, in my mind, as to the joy that should fill the hearts of our people with the lifting of martial law."

Teehankee (dissenting): "I dissent on the grounds stated in my separate opinions in Aquino vs. Military Commission No. 2 (63 SCRA 546) and Buscayno vs. Enrile (L47185, January 15, 1981), and reserve the filing of an extended opinion on the other issues."



# Excerpt from "A Greater Responsibility for Our Soldiers," 26 January 1972

This excerpt from a recorded exchange between President Marcos and Gen. Guillermo A. Picache, made days after declaring martial law, reinforces dean Raul Pangalangan's claims to the effect that before Marcos had Javellana v. Executive Secretary, he had Lansang v. Garcia in his arsenal of jurispridence (Marcos 1974, 228–30). Here, Marcos shows that he was willing to submit his very first actions after declaring martial law to legal scrutiny, but only because he was confident that the courts would not challenge him based on the Lansang precedent.

Incidentally, if there are any question perhaps this is the time to listen to them now, and let us find out whether we can hear any doubts as to the procedures, the standards, the orders, instructions and the like. Is there any question you would like to ask? There are some questions raised, for instance about local police. You have taken this up I presume. The PC chief must have given you the orders, Instruction No. 7 on firearms, Gen. Picache, do you want to ask anything?

Gen. Picache: Sir, the question raised at the conference at GHQ this morning by these military commanders in the field was, if they could authorize the provincial press and radio stations under certain guidelines to operate if only to dispel the feeling of apprehension among the people, and to inform them about certain orders coming from Manila.

The President: Alright, let us go back to the basic premise. The basic premise is, the reason for the suspension of radio, television, newspapers and other media was because consciously they participated in subversion. Now, therefore, it is incumbent upon you to study each and every stations. Those who were maliciously participating in subversion must be punished and they must be suspended for sometime. But those that did not and those who are placed under a separate management in your respective areas of operations can be allowed to

### A GREATER RESPONSIBILITY FOR OUR SOLDIERS

(EXTEMPORANEOUS SPEECH BEFORE DEFENSE OFFICIALS AND TOP A.F.P. OFFICERS, CEREMONIAL HALL, MALACANANG, SEPTEMBER 26, 1972)

I have asked for you to come here knowing that this is the day when you and I meet, first of all, to assess the occurrences of the last several days.

Allow me, first of all, to personally commend you and officially ask that this commendation be transmitted to all the officers and men of the Armed Forces of the Philippines, especially those under your command, for the performance that you have demonstrated in the implementation of my orders, especially of Proclamation 1081 and the corresponding general orders and letters of instructions that have been transmitted to you.

As you very well know, the matter of the imposition of martial law is a contingency which has been studied not only under our administration but under previous administrations, even under the administrations of President Quirino, President Magsaysay and various other President. The alternative of martial law was a subject of legal study by the various Judge Advocate Generals and their services.

As we also know, the utilization of the power of martial law in the Philippines is by provision of the Constitution, which is unusual because seldom is this true with respect to national constitutions. The United States, for instance, does not have such provision in the federal constitution. It has a provision of this nature in state constitutions for the states and the territory of Hawaii.

Figure 1. A copy of the extemporaneous speech.

Source: Marcos, Ferdinand E. 1974. Decisions for the Future: A Collection of Speeches of Ferdinand E. Marcos. Manila: Bureau of Print.

operate under certain guidelines and conditions. And I depend upon the Defense establishment and the Chief of Staff as well as the General Staff and the Zone Commanders to now determine exactly how you should operate on this.

Sec. Enrile: We will prepare a uniform guideline, Sir, for all to follow.

The President: Yes.

Sec. Enrile: And we will probably call on some of the men in the Armed Forces of the Philippines to supervise the operation of each and everyone of these radio stations and television stations in the various zone under the supervision of the Zone Commanders or his representative.

The President: Yes. Incidentally, talking about civil rights, some of the detainees have filed a petition for habeas corpus before the Supreme Court. The government, our government, has filed a return of the order of the court requiring them to answer and tell the court exactly where the bodies of the detained prisoners are. Today, at 9 o'clock they brought some of the detained prisoners to the Supreme Court. . . we are, of course, awaiting the question of jurisdiction. Because from our point of view the courts have no jurisdiction to review your actions which were in accordance with my proclamation, my orders and my instructions. Some body has called attention to the fact that during the civil war in the United States a similar case occurred. This case was decided by Justice Thani and he issued a writ of habeas corpus against the detained person. But this detained person was detained in accordance with the order of President Lincoln. President Lincoln, in the exercise of his discretion disregarded the order of the court. And can do because we are before a supreme authority, and that is the President of the United States who is governing under extra-ordinary powers. I am not saying that we will do this, but I repeat that we should prevent any conflict between the Department of Justice or the judiciary and the executive. This is the reason for the appearance of those detained prisoners in the Supreme Court; because we are so confident in the validty of all our actions that we are willing for them to look into this, and see for themselves that indeed in accordance with their own decision in the case of Lansang vs. Garcia et. al., decided on December 11<sup>th</sup> of 1971, the President has the power, the three powers: 1) to call out the troops to quell the rebellion, 2) to suspend the privilege of the writ of habeas corpus, or 3) to proclaim martial law throughout the Philippines or any part thereof.



### CITIZENSHIP OF JUSTICE CLAUDIO TEEHANKEE SR.

In 1982, the justices of the Supreme Court resigned in toto because chief justice Enrique Fernando had authorized the adjustment of the bar exam score of Gustavo Ericta, son of justice Vicente Ericta, thus giving the younger Ericta a passing mark. Majority of the justices—even constant dissenter Justice Claudio Teehankee Sr.—were reinstated. However, the issue of Teehankee's citizenship—which had cropped up before when he was to be appointed by Ferdinand Marcos as undersecretary in the department of justice—was resurrected while Teehankee's reappointment was in process. After resolving the issue twice before, the issue was raised again, apparently by Marcos himself, when Teehankee was up for consideration for the position of chief justice given his seniority (see Reed 1985). This suggests that Marcos was perfectly comfortable with Teehankee being the Court's token dissenter, but he could not tolerate having the Court's primus interpares be an opponent of his regime.

### Reference

Reed, Jack. 1985. "Marcos Orders Probe of Supreme Court Member." United Press International, 9 May. https://www.upi.com/Archives/1985/05/09/Marcos-orders-probe-of-Supreme-Court-member/4023484459200.

### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 257, File Nos. 1442–3 and 1483–85.



EMMANUEL PELAEZ
JUSTICE ARSENIO P DIZON
ALBERTO M K JAMIR
of Counsel

May 10, 1985

Emmanuel Poláez, Jr. Lope E. Adriano Vicente G. Gregorio Crispulo A. S. Sipin, Jr. Ruben G. Bala

Jose R. Francisco Tomas L. Echivarre Renato J. Robles Aurora F. Timbol

Leopoldo J. Valcarcel, Jr., Mario C. V. Jalandoni Napoleon M. Malimas Cesar G. Otero Jacinto T. Lim Leonardo Robles

His Excellency President Ferdinand E. Marcos Malacañang

Dear Mr. President:

Pursuant to your directive in our phone conversation this morning, I am forwarding herewith copies of:

- 1. My memorandum to you dated May 13, 1982, on the citizenship of Justice Claudio Teehankee, (which you then directed me to file on his behalf, after naming me as his counsel), together with Senator Lorenzo Lorenzo M. Tañada's memorandum on the same subject, dated January 24, 1966, including its Annexes "A" to "E", among which are copies of documents pertaining to the reconstitution of the "Election of Filipino Nationality" dated September 27, 1948 of Justice Claudio Teehankee, under the provisions of C.A. No. 625, and
- 2. A "Memo for President Ferdinand E. Marcos," dated May 13, 1982, from Justice Techankee.

Both documents were sent to you in Malacañang prior to the meeting of the afternoon and evening of May 13, 1982 wherein you made your decision on the re-appointment of the Justices of the Supreme Court.

You may recall, Mr. President, that the Teehankee case was discussed for several hours by you and the persons whom you called, by turn among them, Deputy Prime Minister Jose A. Roño, then Minister of Justice Ricardo C. Puno, Solicitor General, now concurrently Minister of Justice, Estelito P. Mendoza, Assemblymen Arturo Pacificador, Antonio Tupaz and Romaldo Zamora, myself, then the Supreme Court Justices, beginning with Chief Justice Enrique M. Fernando and Justice Antonio Barredo; and, finally, Justice Claudio Teehankee himself.

### PELÁEZ, ADRIANO & GREGORIO

Page 2...

I distinctly recall, Mr. President, that, after hearing all opinions, you stated that, in the exercise of your appointing power, it was your "constitutional duty to rule" on the status of Justice Teehankee and that you would. You then stated the issues involved and concluded as follows:

"The President then raised the issue of whether or not the Constitution can divest a person of the rights as a natural-born citizen he has enjoyed for 64 years as in the case of Teehankee.

Mr. Marcos also pointed out that Teehankee may be considered to have been administratively declared a natural-born citizen by the Office of the President when he was allowed to take his oath of office as Supreme Court justice following the operation of the 1973 Constitution.

The President's views were upheld." (TJ, May 14, 1982)

A clipping from the <u>Times Journal</u>, of May 14, 1982, which-printed the Malacañang press release on the conference, as corrected by you, is hereto attached. The same is a faithful report of what took place.

In any event, the issue of whether or not Justice Teehankee is natural-born has been rendered moot by the 1973 Constitution itself, which provides that "Those whose fathers or mothers are citizens of the Philippines" are such citizens without need of election (Article III, Sections 1(2) and 4).

May I reiterate my recommendation, Mr. President, that, in the public interest, the order to Minister Mendoza to investigate the matter be rescinded. May I also respectfully suggest that Mr. Pacificador's charges do not merit further action.

I wish to thank you for your kind consideration. With my prayers for your continued good health, I am

Sincerely yours,



# Supreme Court of the Philippines Alanila

FROM THE CHAMBERS OF

Claudia Tochankeo

ASSOCIATE JUSTICE

CHAIRMAN, FIRST DIVISION

May 13, 1982

MEMO for President Ferdinand E. Marcos Malacañang, Manila

This memo on my status as a natural-born Filipino citizen is submitted in compliance with the President's request as transmitted to me yesterday afternoon by Minister of Justice Ricardo Puno.

- 1. I was born on April 18, 1918 in Manila of a Chinese father, Dr. Jose Techankee, and natural-born Filipino mother, Julia Ong Sangroniz. Under the then doctrine of jus soli which had been adhered to and accepted for more than 20 years before the adoption of the 1935 Constitution, I was a Filipino citizen at birth and so comported myself by force of Art, IV, section 1 of the 1935 Constitution declaring as Filipino citizen "Those who are citizens of the Philippine Islands at the time of adoption of this Constitution." In all public documents, including my marriage on March 7, 1939 when I was but 20 years old, at which age I registered for military instruction under Command Act No. 1 (National Defense Act), I always declared my only nationality Filipino.
- 2. The principle of jus soli was set aside by the Supreme Court in the Tan Chong Case in 1947. But as ruled in effect by the Supreme Court in the subsequent case of Talaroc (1952) and in the earlier case of Tan Ching (1940), jus soli was the rule with force of law at the time of adoption of our [1935] Constitution, and its abrogation decades later could not exclude or cancel the status of natural-born citizens like myself who were so "by judicial declaration at the time of the adoption of the Constitution," particularly since we were also Filipino citizens by jus sanguinis, being born of Filipino mothers.
- 3. Article III, section 2 of the 1973 Constitution reaffirms my natural born citizenship in its declaration that "Those whose fathers or mothers are citizens of the Philippines" are such citizens, without need of election.
- 4. The factual and legal bases of my status as a naturalborn Filipino were thoroughly discussed and upheld in the confirmation by the Commission on Appointments of the several appointments extended to me by President Marcos during his first term (1965 - 1969) as Undersecretary of Justice, Secretary of Justice and Associate Justice of the Supreme Court and in debates

on the floors of the House of Representatives and the Senate. Attached hereto are some immediately available documents on file, to wit,

- (a) Senator Lorenzo M. Tanada's Memorandum to the Commission on Appointments dated January 24, 1966;
- (b) My Reply to Rafael R. Recto's Paper Entitled "Re-The Nomination of Claudio O. Teehankee as Secretary of Justice" dated August 15, 1967; and
- (c) Reprint of Justice Antonio P. Barredo's comprehensive article of January 18, 1972 on "Jus Soli and Jus Sanguinis as Bases of Philippine Citizenship", stating the view that "As there can be no question that the prevailing rule of citizenship in the Philippines at the time of the adoption of the Constitution as held in the cases, from Munoz to Haw, x x x was jus soli and, according to the provision I have earlier quoted, those who were citizens at the time of the adoption of the Constitution were declared by the Constitution itself to be citizens of the Philippines, it follows inexorably that all persons born in the Philippines before May 14, 1935 and their children and descendants are citizens of the Philippines, and, consequently, the principle of jus soli, still obtains pro tanto in this jurisdiction."

I also beg to cite by reference the memorandum which Assemblyman Emmanuel N. Pelaez is submitting today in compliance with the President's request at yesterday's conference.

5. It may be mentioned that on October 29, 1973 when all incumbent members of the Supreme Court then headed by Chief Justice Querube C. Makalintal took their oaths of office anew under the 1973 Constitution on the occasion of the oath-taking of three new members (namely Associate Justices Estanislao A. Fernandez, Cecilia Muñoz Palma and Ramon C. Aquino), my qualification as Supreme Court Justice was recognized. As I said in my separate dissenting opinion in the martial law cases (September 17, 1974) then:

"A major liability imposed upon all members of the [Supreme] Court and all other officials and employees was that under Article XVII, Section 9 of the Transitory Provisions which was destructive of their tenure and called upon them 'to vacate their respective offices upon the appointment and qualification of their successors.' Their taking the oath on October 29, 1973 'to preserve and defend the New Constitution' by virtue of their 'having been continued in office' on the

occasion of the oath-taking of three new members of the Court pursuant to Article XV, Section 4 was meant to assure their 'continuity of tenure' by way of the President having exercised the power of replacement under the cited provision and in effect replaced them with themselves as members of the Court with the same order of seniority."

Similar views were expressed by Justice Barredo in his separate concurring opinion in the said cases.

- 6. The case of Associate Justice Simeon M. Gopengeo of the Court of Appeals is in pari materia. Like myself, born of a Chinese father and Filipino mother, his qualification for appointment to the judiciary as a natural-born citizen was recognized when the President extended him on December 23, 1976 his appointment to the Court of Appeals under the 1973 Constitution.
- 7. Finally, I wish to state that I honor my late beloved father and bear his name proudly. Soon after he made Manila his home at the turn of the century, he embraced the Catholic faith, took roots here and never went back to China. He married a Filipina and raised all his children as Filipinos from birth. He loved and served this country well and is buried here. He did not seek naturalization only because of his conviction that one should not reject the land and citizenship of his birth. But his name is now as Filipino as any other.



### MARCOS DIARY ENTRY, 15 SEPTEMBER 1971

Besides his meeting with Justice Fred Ruiz Castro, of interest here is Marcos's implicit claim of a (tenuous) link of the Plaza Miranda bombing of 21 August 1971 to Sen. Benigno "Ninoy" Aquino Jr. Marcos's legal craftiness is also on show here: he notes that detainees can be moved from an area where the suspension of the privelege of the writ of habeas corpus has been lifted to one where the suspension remains in effect, thus allowing longer detention without charge.

### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 5, File Nos. 1643–45.

11:20 89

422 Sept. 15,1971 Wednesday

### MALACAÑAN PALACE

423 Sept 18th (Cont)

MALACAÑAN PALACE

Justice Fred Ring Castro, taking hunds with

fan. Roy at the request of the privar, inggested that

I successive lift the angencian of the private

of the went of haleas contine first in the thought

the wint of haleas contine first in the thought

the decision in the suprame Court unanimous belief

the decision in the suprame Court unanimous belief

the install that the was his own idea, Su. Pay

the is of the helief and I agree with him that

is of the helief and I agree with him that

this is the idea of the proties as a whole.

Cruyman, he says that the court is command

there is a rebellion but not in the entire Philippines.

Could while it is true that the 18 hour rule of

Outlied would provail over the areas in which the

betation would provail over the areas in which the

ouspenson is liftly the detained person can be supposed in the world proposed in the supposed in the surperson has not

## 724

### MALACAÑAN PALACE

a survey of the Hamile area obour only 25% are in form of the one paramet.

50% are against but only 13 from that the surparame is limited to release and loss not cover other errors.

Cover other errors.

62% heliane that the tensions are due to the manuar of reporting of madie.

I attack the report from the Executive destroy in Envelope Princeton Poll.

### **15 September 1971**

The principal suspect is missing or hiding. This was the lead of the answers of the investigating agencies (The MPD, the NBI and the CIS) whom I called to a conference at 8:00 P.M. covered by media because of the repeated impatience of the opposition and the media for the refusal of these agencies to disclose their evidence.

But as MPD chief, Gen. Tamayo and NBI Director Jolly Bugarin said, premature revelations may prejudice the solution of the case.

And they admitted that they have the evidence with respect to the principal suspect.

Of course they are referring to Lyn Oreta, the brother-in-law of Sen. Aquino.

They also admitted that while some witnesses were arrested by the MPD under the ordinary powers of the police (since they cannot or are not authorized to arrest under the suspension of the privilege of the writ of habeas corpus) those same witnesses were turned over to the CIS inasmuch as they made admissions which showed the probability that the crime of rebellion was committed. The MPD chief was referring to Magsino and Manalaysay.

Justice Fred Ruiz Castro, taking lunch with Sen. Roy at the request of the former, suggested that I successively lift the suspension of the privilege of the writ of habeas corpus first in the Visayas then in Mindanao. He believes that this will make the decision in the Supreme Court unanimous. While he insisted that this was his own idea, Sen. Roy is of the belief and I agree with him that this is the idea of the justices as a whole.

Anyway, he says that the court is convinced there is a rebellion but not in the entire Philippines. And while it is true that the 18 hours rule of detention would prevail over the areas in which the suspension is lifted, the detained persons can be brought to an area where the suspension has not been lifted, namely Luzon.

A survey of the Manila area shows only 25% are in favor of the suspension, 50% are against but only 13 know that the suspension is limited to rebellion and does not cover other crimes.

62% believe that the tensions are due to the manner of reporting of media.

I attach the report from the Executive Secretary in Envelope IX-D with other papers.

And another of Princeton Poll.



### MARCOS DIARY ENTRY, 16 SEPTEMBER 1971

Marcos here talks about being stoic on the outside, but "irritable and sensitive" on the inside, though does not specify why. That the dinner described here had in attendance Ferdinand Marcos, Justice Fred Ruiz Castro, and Senator Jose Roy, Marcos's partymate and president protempore of the Senate of the Philippines, meant that there were representatives of all branches of government during these early stages of priming the country for martial law.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 5, File Nos. 1646–48.

10:20 A In MALACANAN PALACE Sept. 16,1971

MANILA

Huroday loday I must plan my life may to the new, objective and cruel Pariful but mavoidable. and am deepty sal. But all the more an I rusol to be strong and resolut. and while outwardly calm, I am boiling mark Smelde my pres infe. I do not from hom she can talente my beauthous these days.

426 dept. 16 al (Cit)

MALACANAN PALACE

That in the avent This looks dungerous because the instructions reasonable ground to letter the decorar to upheld my prola

### 727

Justing to life the sugarism hast standing to the first the sunday of will do in Cabon by them and from and from the sugarism in health of the sugarism of the standingue, Catandranes Jorsegon On the laws of thousand Jangson South with attander of thousand on the standard of the sugarism of the sugarism of the catandrane of thousand on the sugarism of the sugarism of the catandrane of thousand or when the sugarism is solitically wasterted or when the sugarism is solitically wasterted or when the sugarism is solitically wasterted or when the

### **16 September 1971**

Today I must plan my life anew. All the old concepts must give way to the new, objective and cruel tyrannies of the present.

Painful but unavoidable. And I am deeply sad.

But all the more am I resolved to be strong and resilient.

I am getting irritable and sensitive. And while outwardly calm, I am boiling inside me.

And my problem is I take it out of Imelda my poor wife. I do not know how she can tolerate my boorishness these days.

Had dinner with Justice Fred Ruiz Castro and Sen. Roy and he affirmed that:

- 1. The justices believe there is rebellion but not all over the Philippines.
- 2. That in the event of an arrest by the military under the suspension, the court will issue the writ of habeas corpus but upon return by the detaining officer, the court would inquire if there was reasonable ground to believe that the detained person was guilty of rebellion or insurrection.

This looks dangerous because then the courts would be reviewing the evidence but then it might not be as under my own instructions "reasonable ground to believe that the crime of rebellion has been committed" is explicitly required.

3. That if I lift the suspension in the Visayas, Mindanao and some provinces of Luzon, the decision to uphold my proclamation would be unanimous.

I intend to lift the suspension in the Visayas next Saturday so that it will hit the Sunday papers. I will be in Cebu by then.

Then I go in Mindanao (Iligan) and lift the suspension for Mindanao.

I may lift the suspension in Masbate, Romblon, Mindoro Or. And Mindoro Occ., Marinduque, Catanduanes, Sorsogon, Batangas, Ilocos Norte, Ilocos Sur, Abra, La Union and Pangasinan jointly with other area of Visayas or Mindanao.

Then the critics could not say that the suspension is politically motivated or intended to prepare for martial law.



### MARCOS DIARY ENTRY, 18 SEPTEMBER 1971

Marcos here lists his enemies, making it seem that he is embattled on all fronts—members of the media, communists and communist front organizations, and members of the military who "are not enthusiastic about the suspension of the privilege of the writ," and chastises the people for their lack of vocal opposition to (communist-led) revolution. Then, Justice Fred Ruiz Castro seems to indicate that the Court might not be in his favor.

### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 5, File Nos. 1650–52.

MALACAÑAN PALACE 9.30 Am There are several thoughts that trave ragged and battlered me for the prot several 1. The madie - With the paralle exception of Bulletin and Narata, They are still having to the communist and the radical propaganda Que - Evarything thereos des is wrong. The comminants are that one anding in distorting wars. 2. There are some officers and were in the AFP that are not inthusiastic about the suspension of the structure of the went of sur people a revolu They are quet. 4. The communist front organizations are stell attive apparently the second achelon of leaders have taken over while their just schelon were either arrested or want unbeground.

Jept. 18, 1971

### MALACAÑAN PALACE

MANILA

I am also distincted by the statement of the first is are that the justices are but him from and are affected by medicin domons - trations and propagande or what is altermine trations and propagande or what is altermine how as putter of they to their such influence out of their thinking, there is an unconscious effect on them.

MALACAÑAN PALACE

& issued Prodomation to 889-C lefts the suspension of the surilege of the asman, Balangro, Catanduares, Analale Roudlon, Thatis duque and the two hunder of announced of at 2,000 3 hr. This was after the conference with Zone and Brigade commanders, their C15 and Intelligence officers I am sure that even this will be crokinged lay the communist sympathingers and what warries us is are fighting complacency and the may lawy their quark sown

#### **18 September 1971**

There are several thoughts that have nagged and bothered me for the past several days.

 The media – With the possible exception of Bulletin and Herald, they are still having to the communist and the radical propaganda time – Everything Marcos does is wrong.

The communists are still succeeding is distorting news.

- 2. There are some officers and men in the AFP that are not enthusiastic about the suspension of the privilege of the writ.
- 3. While the majority of our people do not want a revolution they are quiet.
- 4. The communist front organization are still active. Apparently the second echelon of leaders have taken over while their first echelon were either arrested or went underground.

I am also disturbed by the statement of Justice Fred Ruiz Castro that the justices are only human and are affected by media, demonstrations and propaganda or what is otherwise known as public opinion—"no matter how hard they try to keep such influence" out of their thinking, there is an unconscious effect on them.

I issued Proclamation No. 889-C which lifts the suspension of the privilege of the writ of habeas corpus this noon. It is a lifting of the Ilocos provinces from Batanes to Pangasinan, Batangas, Catanduanes, Masbate and all the Visayan provinces as well as Romblon, Marinduque and the two Mindoros.

I announced it at 2:00 p.m.

This was after the conference with the Zone and Brigade Commanders, their CIS and Intelligence officers.

I am sure that even this will be criticized by the communist sympathizers.

And what worries me is that those who are fighting complacency and the communists may bring their guard down again.



#### APPENDIX 4.9

# MARCOS DIARY ENTRY, 24 SEPTEMBER 1972

Ferdinand Marcos here claims that he was ready to disregard constitutionality—i.e., establishing a revolutionary government—if the Supreme Court justices opposed his recent martial law declaration, but the justices "insisted that we retain the color of constitutionality for everything that we do." He decries the justices' adherence to "technical legalism." It nevertheless seems unlikely that he would have abandoned legality, given his previous actuations; Marcos may have been bluffing. The entry also shows the extent of Marcos's use of the armed forces in the early days of the dictatorship—even the Reserve Officers' Training Corps were deployed for graffiti clearing.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 16, File Nos. 0458–60.

125 ton lept 25th

2334 Sept 24,1942

### MALACAÑAN PALACE

Distro, Clino Rocas, Max Solinin the Rame filed a polition for a went of halons warted law, Proclamation to 1081. Inchantion Ponce Purile and Vicente about Sentes as well as she han Estellito handon that if recessing &

to are all from the Jurishitin of the

2008 Rept 240 (Cont)

# MALACAÑAN PALACE

MANILA

Auguma Court.

program to reform our society.

and I signed the decree (ho;) to groundgate the law on the Reorganization of the

prombaling the un aid some Ruho, the Felicabilitation and Recombantion four, the faul Reform Funding and diomins some judges, the CIR judges, I obbie derwie Communica.

faire by the whent of Conga Roque allan, Rafael aguino and Dov Luo Becalu.

J bene ordered profitors to be arrested.

That of Angetti.

Only KBS and The Daily lagren on yearland;

MALACANAN PALACE

MANILA

Laft 24th (Conf)

MANILA

Laftel to Carl hays the boundles

and advisor of hixon, and his first advise

is to immodulately west the press (a soon as

yoursele and explain that the is not a histolorehy

for C. P. Romalo, whom I talked to

again by long distance, his land a fool

again by long distance, his land a fool

again by holding press with mans and maning

has releases

#### **24 September 1972**

Diokno, Chino Roces, Max Soliven etc. have filed a petition for a writ of habeas corpus before the Supreme Court.

I asked Justice Claudio Teehankee, Antonio Barredo, Felix Makasiar and Felix Antonio to see me. They insisted that the government should submit to the Supreme Court for the Court to review the constitutionality of the proclamation of martial law, Proclamation No. 1081.

So I told them in the presence of Secs. Ponce Enrile and Vicente Abad Santos as well as Sol. Gen. Estelito Mendoza that if necessary I would formally declare the establishment of a revolutionary government so that I can formally disregard the actions of the Supreme Court.

They insisted that we retain a color of constitutionality for everything that we do.

But I feel that they are still image building and do not understand that a new day has dawned. While they claim to be for a reformed society, they are not too motivated but are too bound by technical legalism.

I have amended both Gen. Orders Nos. 1 and 3 to assume all powers of government including legislation and judicial and clearly excluded cases involving the constitutionality of my acts from the jurisdiction of the Supreme Court.

I met the cabinet to emphasize the program to perform our society. And I signed the decree (No. 1) to promulgate the law on the Reorganization of the Government.

Tomorrow I will sign the decrees promulgating the new Civil Service Rules, the Rehabilitation and Reconstruction Law, the Land Reform Funding and dismiss some judges, the CIR judges, Public Service Commission.

We have impressed everybody with our fairness by the arrest of Cong. Roque Ablan, Rafael Aquino and Gov. Luis Bocalan.

I have ordered profiteers to be arrested.

And the ROTC boys have cleaned up the streets of Grafitti [sic]. Only KBS and The Daily Express are operational.

I just talked to Earl Mazo, the biographer and adviser of Nixon, and his first advice is to immediately meet the press (as soon as possible and explain that this is not a dictatorship.

Sec. C.P. Romulo, whom I talked to again by long distance, has done a good job of holding press interviews and issuing press releases.



#### **APPENDIX 4.10**

# MARCOS DIARY ENTRY, 25 SEPTEMBER 1972

Arrests continue after the declaration of martial law, as do bureacratic shake-ups; Marcos here says that he has "dismissed some judges and punished some fiscals." In the *consulta* with two justices, Fred Ruiz Castro asked, "Is this a coup [d'etat]?" Probably he was referring to a self-coup or autogolpe, which had happened many times throughout history. Marcos never referred to his means of assuming dictatorial powers as such, probably because to do so would be admitting that he violated the law.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 16, File Nos. 0461-64.

12:15 Pa MALACAÑAN PALACE explores and electronico man. But the conject Eddie Typeris, Tony arando parantly there was an agreement that the the the the deck the nivolve By la Cong John thy) in Dece Do 1971, the Rural Barbaro Consolin in the Curio Hetel,

the 565 Convalini of Jakan in high lat.

The Comby can that was prepared for the

Sept. 254 (Oil)

### MALACAÑAN PALACE

I have divined some julges and

commend them and mane such stations on.

The clean-up in broken, the Capager Valley and but. Promise

The play in hindened and both 
use delay admin there with me can

concentrate our troops

The transmit towartation of MPA:

the area grays, criminal or self and

the comments of the ROTE in and

The Comments of the ROTE in and

The Comments of the ROTE in and

2342 plant . 25th (Con't)

MALACAÑAN PALACE

Justies had Ring Castro and Aslunder belo and comme because we went hop all the actuations in this constitutional drites believe that they are ball of this personain. MALACANAN PALACE

MANHA

The while reaction throughout the Philippini
is a historie to westerd has been of the
order and the hope of referred society.

order and the hope of referred society.

I find weat everyone how onyo the should

the orme send of a survey conducted by
Siberel Party Sender Herry Ropes.

It is indeed yestifying that everyone how
finds or hororers to an some find of a

lero!

#### **25 SEPTEMBER 1972**

Gen. Ver's men have apprehended Lehman the American triggerman and Manny Crisologo the explosives and electronics man. But they have not caught Eddie Figuerras, Tony Arevalo, Osmeña, Larry Truckman and others involved.

The two have involved the other men and apparently there was an agreement that the Vice President would have to take over if I were assassinated so as to prevent anarchy.

But we were to check the involvement of CIA or the U.S. Embassy, Vice Pres. Lopez or other important personalities.

Apparently they have been trying to assassinate me since Baguio (in Camp John Hay) in December 1971, the Rural Bankers Convention in the Euries Hotel, the SSS Convention of Labor in May 1st.

The Comby car that was prepared for the plot is indeed alarming. I have dismissed some judges and punished some fiscals.

Met all the generals this morning to commend them and issue instructions on:

- 1. The clean-up in Isabela, the Cagayan Valley and Mt. Province.
- 2. The policy in Mindanao and Sulu we delay action there until we can concentrate our troops.
- 3. The Mayantoc, Tarlac concentration of NPAs.
- 4. To prepare for the regrouping of the armed gangs, criminal or not, and the Communists.
- 5. Employment of the ROTC in civic action.
- 6. Reward for the Armed Forces.

Met Justices Fred Ruiz Castro and Salvador Esguerra on a *consulta*. I told them frankly that I needed their help and counsel because we must keep all the actuations within constitutional limits.

Justice Castro asked permission to ask a blunt question, "Is this a coup de'tat?" And I told him that it is not but it is the exercise of an extraordinary power by the president for a situation anticipated by the constitution.

Justice Esguerra said immediately that he feels that it is a legitimate exercise of martial law.

And apparently reading my mind, he said, in the Marriman case, Justice Tanvey had issued a writ habeas corpus for a man who was detained on orders of President Lincoln. And President Lincoln just disregarded the judicial order. And Justice Tanvey said, "what can we do, we are confronted by superior authority?

I then concluded that there must be no conflict between the two separate departments of Justice and Executive for it would be embarrassing to both.

I believe that they are of this persuasion.

The public reaction throughout the Philippines is a welcome to martial law because of the smooth peaceful re-establishment of peace and order and the hope of a reformed society. In fact most everyone now says, this should have been done earlier.

I attach the report of Boni Isip about the same result of a survey conducted by Liberal Party Leader Gerry Roxas.

It is indeed gratifying that everyone now finds or discovers I am some kind of a hero!

There is nothing as successful as success!

## **APPENDIX 4.11**

## MARCOS DIARY ENTRY, 11 OCTOBER 1972

Another meeting with Justice Fred Ruiz Castro is actually only a minor detail in this entry. The bulk of it is about consolidating forces against the secessionists in the south and subversion in the north, and, after claiming that the Lopezes have relatives of justices in their payroll, Marcos focuses on his propaganda efforts abroad, specifically via Richard Critchfield in the United States.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 16, File Nos. 0497–501.

6

12.00 Pgu 2376 MALACAÑAN PALACE (north) leaders

Qd.114 (Con)

#### MALACAÑAN PALACE

# 2878 Oct 11 th (Out)

MALACAÑAN PALACE

# 0 d 114 (Cont)

#### MALACAÑAN PALACE

I have asked the fustions to before in proparing a last of CFF and CAR Judges belove resignations about the accepted.

water the whole society

bout the Sopry retreate (houtes) have been fraging the children and relatives of the policies of the policies of the completes are in the herales affices of the completeles, the trummer and personal overlanes of his arguin toppy.

The last whole of Richard Critichfield in the Weshington of the west land to want land the start and the bank (my bank) calling it the best analysis of why I manned wanted have "It is a builtenty ranson to wanted alling to restant to be the following the political Pleasy and the blue-paid of what the political Pleasy and the blue-paid of what the political Pleasy and the blue-paid of what

# 2080 Od. (1th (and)

## MALACAÑAN PALACE

Theoretical documents over produced by a contemporary

how but the present crisis into an wantal law peropolica for from him altogether different and man dangerous play it is a for grader and man dangerous play it is a for grader and man dangerous technocrate and other hinderwaying forces against the entrembed aligned the communication which has already the communication and the thingonic criminal intermedial left and the thingonic criminal intermedial left and the thingonic criminal intermedial left and the things to decide whether

#### 11 October 1972

The Cotabato (North) leaders, Moslem Tirurays and Christian alike, have pledged to keep the peace and support me in the proclamation of martial law and the reformation.

But since fighting has broken out in the Maganay, Ampatuan, Pikit area. I have called them to Manila – (all the provincial and municipal officials). I personally asked Cong. Salipada Pendatum to come over the telephone where I talked to him after my opening appeal wherein I told the leaders that Mindanao is Moslem land and we, the Christians, are there because of their tolerance and their invitation; that the Christians should therefore help their brother Moslems and other minorities who are less prepared for an exacting modern world, that the policies I have established favor the Moslem areas; most of their money we have borrowed from abroad go to Mindanao, the seaports and airports being developed are in Mindanao; the "investments below the typhoon belt policy" means investments will pour in for Mindanao and Sulu, and the oil exploration program will favor Mindanao and Sulu, the number of schools being constructed now in these islands are double that of the Luzon and Visayas areas.

So I concluded "I am ready to wipe out all past records and start out with the slate clean provided that there will be no repetition of the past offenses." And pointed out to how I had personally gave the Buldon to stop the Armed Forces of the Philippines from decimating that Moslem town under Mayor Aratic (his son Tomatic had been sent by the father who was taken ill campaigning for the people's support of martial law) with artillery fire notwithstanding the seven casualties suffered by the government troops.

We ended up with Cong. Salipada Pandatum reiterating support for my program and agreeing to head a mission to contact Ex-Gov. Udtog Matalam whose MIM forces have started the fighting to come to me in Manila. But we have to stop the operations of the AFP against his band in the meantime.

And Datu Akilan Ampatuan will contact the two Sangki brothers, Abdullah and Balacat and son A...to also come and see me. So too with the old man Datu Kudanding who have apparently joined Datu Udtog Matalam.

The Disumimba band which threaten Dinaig is composed of outlaws and will have to be destroyed.

Met Congs. Armi Gustillo of Negros and Edgardo Cojuangco of Tarlac. They report 105 armed men have gone up the mountains in Negros and their transit point to Panay where they have contact with some other subversives is through Guimaras through a certain Jayme.

We will mount a special intelligence and search and destroy operations.

They also showed a telegram of Sugar Administrator Jose Unson for all sugar people or planters and millers to pass their sugar through the Producers Cooperative controlled by Ex Sec. Alfredo Montelibano by a voting trust agreement who is apparently trying to corner the sugar market.

I met Justice Fred Ruiz Castro. He has told the Chief Justice of my request that there be no direct confrontation between me and the Supreme Court, Justice Castro called attention to the fact that in all the cases they have studied, the U.S. Supreme Court, decided the cases after martial law was over. I believe they will do this.

I have asked the Justices to help in preparing a list of CPI and CAR judges whose resignations should be accepted.

And reforms in the judiciary – or for that matter the whole society. But I believe we still should look into how the Lopez interest (Meralco) have been paying the children and relatives of the justices.

And the payrolls are in the Meralco offices of the comptroller, the treasurer and personal secretaries of Mr. Eugenio Lopez.

The last article of Richard Critchfield in the Washington Star is most laudatory. It is about the book (my book) calling it the best analysis of why I imposed martial law. "It is a brilliantly – reasoned manifesto calling for a government-led, non-violent revolution to fundamentally remake Philippine Society xxx. The book provides the political theory and the blue-print of what Marcos is doing now xxx".

It is perhaps one of the most extraordinary theoretical documents were produced by a contemporary non-communist head of the state."

X X X

"Marcos book, taken together with all he has been saying and doing since he declared martial law, puts the present crisis into an altogether different perspective. Far from being a short-term emergency or a routine power play, it is a far greater and more dangerous enterprise."

"Marcos is putting himself, the Army, the technocrats and other modernizing forces against the entrenched oligarchy, the communists, the radical left and the Philippine criminal underworld in a prolonged struggle to decide whether this country can afford to remain an open society."

## **APPENDIX 4.12**

# MARCOS DIARY ENTRY, 14 NOVEMBER 1972

Marcos here presents himself to be a man in control of everyone in his regime from the justices (whom he could ask to expedite the release of a favorable decision) to those who he claims planned to launch a coup against him.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 19, File Nos. 0574–76.

12:00 19 ted the acceleration of efforts on the GATT, LIA and EEC- ASEAN consultations 12.00 -130 AM.

MALACAÑAN PALACE from 14th (Cout)

The rightist comp do tot plane now
radical clausts to set the strusphere of
anarchy and the plan to tre-out the
resolutions bestership must now de unusafed
to see mulian fullbright.

And we have to spare no one

#### **14 November 1972**

Received the credentials of the new ambassador from Ceylon.

Directed the acceleration of efforts in the GATT, LTA and EEC-ASEAN consultations to DFA, Finance and Trade.

Sol. Gen. Estelito Mendoza reports that Justice Fred Ruiz Castro has the decision upholding the constitutionality of RA 1700, the Anti-Subversion Law, with only Justice Fernando dissenting and Zaldivar riding the fence but the justices would not allow him to promulgate it. I have asked him to expedite its promulgation.

Met Mrs. Primero, wife of the deceased doctor (killed in Marawi by the Muslims).

She says the civilians in Marawi participated in the uprising.

I have ordered the Marawi Police to be taken over the PC and a strong officer assigned to supervise both Lanao del Norte and Lanao del Sur.

Interview by the Japanese correspondents 12:00 - 1:30 AM.

They were principally interested in the Japanese struggle in Lubang Island, Lt. Onada, Martial Law (the new concept), Vietnam, Phil.-Japanese relations, etc.

Sen. Fullbright is at it again. He has sent two men from his committee on foreign relations to check on Korea and the Philippines.

They seem to be prejudiced and have set notions of criticism.

But I am sure we can meet all their doubts. They plan to meet with the opposition leaders, perhaps Gerry Roxas. We have to show them the records of the plans of the Liberal Party, the meetings at the house of the Gerry Roxas (the Villalon testimony) and de Leon on the Samar training camp – the Adevoso coup de'tat plans, the tie up with Larry Trackman, Pucius, Lehman on the assassination conspiracy and take over of govt.

Terry Adevoso surrendered this morning. He was shocked by the outline of the evidence and pictures he was confronted with but denied everything. He will be kept at the Veterans' Memorial Hosp.

His chief assistant in the coup de tat plans, Jimmy Piopongco was arrested two days ago.

The rightist coup de tat using radical elements to set the atmosphere of anarchy and the plan to pre-empt the revolutions leadership must now be unmasked for all to see—including Fullbright.

And we have to spare no one.



#### **APPENDIX 4.13**

## MARCOS DIARY ENTRY, 19 DECEMBER 1972

The eyes and ears of Marcos—at least in the judiciary and the military—are listed in this entry, dated nearly three months after he declared martial law. Again, in a caucus with "the original planners of martial law," he dangles the possibility of establishing a revolutionary government if the Supreme Court proves to be troublesome. Marcos knew how to preach to the choir; it seems that in front of soldiers, he was the ruthless commander-in-chief, while before justices, he was, more often than not, the strict constitutionalist.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 20, File Nos. 0136–37.

12:00 09 MALACAÑAN PALACE MANILA

2497 Dec. 19th (Coid )

MALACAÑAN PALACE

That with the original planuars of the martial law here. Bonce Eurle Han Copino has been service commanders Han Zagela Han. Remarkance to Commanders Run; Han Pay - J-2, hen Tom Day 1st PC Zone Commander, Han honleya Instruction Commander, Cal. Romas Hatan, Ryal Romaniel Commander.

the agreed that I the Augure Court is used an important of mould be me - mediately prolained and all towers of government taken over by the President mobiling the Judiciary.

possibility of armed elements contesting the

#### 19 DECEMBER 1972

Courtesy call by delegates to the Asian Conference on Languages. Book Mangyan script and language and sample on bamboo presented.

Interview by Roy Roman, Asian Director of Time based in Hongkong.

Report of Sec. Vic Abad Santos that Justice Fred Ruiz Castro is the motivator of the issuance of an injunction against the plebiscite on Jan. 15, 1972.

This is going to provoke an open clash with the Supreme Court. In my conference with Justice Antonio Barredo tonight at 8:30 p.m. at my request, it seems the justices are concerned about the Constitutional provision that they may be replaced by me by the appointment of their successors. He suggested I issue a policy statement that notwithstanding this provision, I would not use the power.

And the alleged atmosphere of coercion because there is no actual freedom of debate. He recommends an order be issued that for all purposes of the free debate and dialogue martial law is partially lifted.

Met with the original planners of the martial law - Sec. Ponce Enrile, Gen. Espino, the major service commanders, Gen. Zagala, Gen. Ramos, Gen. Rancudo, Commodore Ruiz, Gen. Paz-J-2, Gen. Tom Diaz, 1st PC Zone Commodore, Gen. Montoya Metrocom Commander, Col. Romeo Gatan, Rizal Provincial Commander.

We agreed that if the Supreme Court issued an injunction it would either be disregarded or a revolutionary government would be immediately proclaimed and all powers of government taken over by the President including Judiciary.

And that we must prepare for the possibility of armed elements contesting this decision.



## **APPENDIX 4.14**

## MARCOS DIARY ENTRY, 20 DECEMBER 1972

It appears here that the justices of the Supreme Court tried to return the country—or at least the legal regime—to a semblance of normalcy in their negotiations with Marcos regarding the ratification of the new constitution, but Marcos did not want to relinquish his exclusive legislative powers so soon.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 20, File Nos. 0138–39.

#### 20 DECEMBER 1972

Conference with 68 governors, 61 city mayors and 1451 mayors with senators and congressmen.

I will have a transcript made of the speech delivered.

Met the governors, city mayors and municipal mayors in the afternoon in a private conference. Announced that there will no release of cash or of public works funds to follow the standards of the new society.

Met Justice Fred Ruiz Castro, Dingdong Teehankee, Felix Makasiar, Tony Barredo, Salvador Esguerra and Felix Antonio.

They recommended.

- 1. Suspension of the effects of martial law during the campaign for the constitution.
- 2. Farther implementation in the lowest level.
- 3. Time
- 4. Ratification by Congress

Only the call to a session of Congress would mean the admission of the weakness of my position in issuing decrees with the effect of law.

1:40 Am Dre 21at 2498 Dec. 20,1972 MALACAÑAN PALACE I will have a transcript made of the speech I delivered. That the governors, city mayors and muni-cipal mayors in the afternoon in a private conmerce. unuomice O that there will be to release of cash or of public works funds to follow the Just Justices That Fing Barrelo, Islander Techanter Telia beckasian, Tony Barrelo, Islander Eognate and falix autorio 1. Anaponsion of the effects of warted lawn busing the compage for the constitution 2. Farther miplementation in the lowest 132

MALACAÑAN PALACE

MANILA

MANI



### **APPENDIX 4.15**

## MARCOS DIARY ENTRY, 23 DECEMBER 1972

In this entry, Marcos again vents his frustrations, this time against opposition politicians. He threatens (only privately, it seems) to postpone the ratification of the new constitution indefinitely, thereupon he would issue a decree that would reorganize the executive branch and effectively shut down congress indefinitely. He shows less antagonism toward the judiciary, though he laments that their sole concern—or so he claims—is security of tenure.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 20, File Nos. 0143–45.

12:00 892 MALACAÑAN PALACE disciplina he pulticions are back to ald be considered as exclusion

2504 Dec. 2310 (Cony)

# MALACAÑAN PALACE

MANILA

2505 Dec. 2310 (Cont)

### MALACAÑAN PALACE

remembing of the second wars of reballion.

Ince the original plan for Congress to adjourn after menting on the first day count le compliant with by the America, to an now inclined to postpone the ratification of the inclined to postpone the ratification of the constitution with to a certain day like the 1978 1973 constitution with the certain day like the 1978 1973 on tree. 5, 1973 but INDEFINITERY. Then or tree. 5, 1973 but INDEFINITERY. Then on tree. 5, 1973 but INDEFINITERY. Then or tree to the different departments of unall also include the postpon-government which would also include the postpon-government which would also include the postpon-

I am also vansated by the selfind we livation of the Augustion Court in quantioning the
former of the Augustion to appropriate funds for
the philosophie as well as the quantum
of the freedom of delate and information as
after a myriager alluminous of the constitution.

when all along all they mailed was my promise
that I would not express the power granted no by
the new constitution to romove them from the
sugreme Court!!

## 23 December 1972

I am concerned about the slow erosion of our authority under martial law and the slow shift of our society to its old habits of lack of discipline, irresponsibility, selfishness, egoism and lack of patriotism.

The politicians are back to asking for special favors and attacking me personally as wanting to be a dictator (Delegate Ramon Gonzales in last nights TV debate). In the conference this morning the senators were almost unanimous in the demand that the Congress be considered as authorized under the Constitution to meet on the fourth Monday of January and not to adjourn immediately or from day to day.

Sen. Pelaez spoke of the president in Martial Law as an "overseer". Tolentino submitted the proposal that Congress had exclusive powers of legislation in certain areas, coordinate powers with the president in another and areas already covered by decree could be considered as exclusive for the president.

Maceda frankly admitted that he was against the new Constitution because he had spent a lot for his election and now he will be a senator for a year. But "since your reforms are tied up in the new Constitution I would be campaigning for it." I suspect he will sabotage the new Constitution.

So will Pelaez and perhaps Puyat. The senators visited Sens. Aquino and Diokno yesterday. Their sympathies are obvious.

Padilla openly stated that such decrees like the Tariff and Customs Code are to his belief and that of them. Sumulong not included in the powers under martial law of course I told him that the improvement of the customs laws which would prevent smuggling and corruption would prevent the remounting of the second wave of rebellion.

Sol. Gen. Mendoza followed this line when he told the joint meeting of the senators and congressmen that the adoption of a new constitution would prove the efficacy of a peaceful or constitutional revolution and thus prevent the wave of rebellion.

Since the original plan for Congress to adjourn after meeting on the first day cannot be complied with the Senate, I am now inclined to postpone the ratification of the constitution not to a certain day like Feb. 19<sup>th</sup>, 1973, or Nov. 5, 1973 but INDEFINITELY. Then I would issue a decree defining the functions and powers of the different departments of government which would also include the postponement of the sessions of Congress indefinitely.

I am also nauseated by the selfish motivation of the Supreme Court in questioning the power of the President to appropriate funds for the plebiscite as well as to raise the questions of time, freedom of debate and information as well as improper submission of the constitution.

When all along they wanted was my promise that I would not exercise the power granted me by the new Constitution to remove them from the Supreme Court!!



### APPENDIX 4.16

## MARCOS DIARY ENTRY, 27 JANUARY 1973

In the previous entries, Marcos claimed, in so many words, that he was ready to disregard or dismantle the Supreme Court if it becomes uncooperative. Here, he says that the Court has to be handled "with finesse" because it may become "the rallying point of the opponents of reform." It seems that by this date, Marcos had come to consider the Supreme Court as his double-edged sword—potentially his ultimate legitimizer as well as the instrument of his regime's dismantlement.

### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 21, File No. 0801.

## 27 January 1973

On board the 777 to sleep there for an early start at 7:30 AM tomorrow with Dr. and Mrs. Sharon for Talaga.

I have finished the notes on Philippine security problems. I attach the outline I dictated.

Chief Justice Concepcion is sick in the hospital and may not be able to attend the dinner in Monday.

It is apparent that the other justices are in favor of dismissing the petitions questioning the validity of the ratification of the New Constitution.

But they want to be assured of their continuance in office under the new constitution with new appointments.

And they are under the influence of Justice J.B.L. Reyes who although retired as of last year still holds office at the Supreme Court.

But everybody else has accepted the new constitution and as we put it in the dinner conference we held tonight, how do the justices expect us to "unscramble the eggs already scrambled?"

We have to handle them with finesse as the Supreme Court might become the rallying point of the opponents of reform.



### APPENDIX 4.17

## MARCOS DIARY ENTRY, 29 JANUARY 1973

Marcos here seems assured that his cooptation of the judiciary, which began back in 1971 with *Lansang*, was coming to a close. The specialist in commercial law—his award-winning law school thesis was titled "The Power of the National Assembly to Amend, Alter, of Repeal Corporate Charters Under the Philippine Constitution" (Marcos 1939a, 1939b)—still knew how to make deals in his favor.

### Reference

Marcos, Ferdinand E. 1939a. "The Power of the National Assembly to Amend, Alter, or Repeal Corporate Charters under the Philippine Constitution." Philippine Law Journal 19(1): 3-15

—. 1939b. "The Power of the National Assembly to Amend, Alter, or Repeal Corporate Charters under the Philippine Constitution." *Philippine Law Journal* 19(2): 48–66.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 21, File No. 0804.

## JANUARY 29, 1973

The dinner with the Justices without Chief Justice Concepcion who is in Sto. Tomas Hospital turned out well.

Casually I turned into the problems the country was facing requiring an unquestioned position of leadership for negotiations. As Justice Fred Ruiz Castro said, "I get the message, Mr. President."

John Sharon has turned out to be opportunist and a fraud. He has just turned in through Ex. Sec. Melchor a bill for \$40,604.86 for Time Costs and Disbursements.

The gall of this impostor!

MALACANAN PALACE June 29, 973

MALACANAN PALACE June 29, 973

MANILA

Chief fustice Concepcion who is Ack in 500 Tomas

Hospital turned out well.

Casually of turned into the inchlemate

country was fraing requirem as inquisitioned as Julies

position of bladerolips for regulations. As Julies

position of bladerolips for regulations. As Julies

The Sharon has turned out to be

turned in through the bas just

turned in through the bas funct

turned in through the base helder a hill for

turned in through the base helder and Disdussments.

The yuld of the invositor.



### APPENDIX 4.18

### FERDINAND MARCOS'S SELE-SERVING PRESIDENTIAL DECREES

To Marcos loyalists, Ferdinand Marcos should be remembered as a benevolent lawgiver, e.g., the president who declared the country a land reform area (but limited agrarian reform to rice and corn lands) and mandated employers to give thirteenth month pay to all of their employees (who earned up to PHP 1,000.00 a month, as per Presidential Decree No. 851, s. 1975). But a number of Marcos decrees can accurately be described as self-serving. Marcos is perhaps the only president to name a public institution after his father (converting the Ilocos Norte Institute of Technology into the Mariano Marcos Memorial College of Science and Technology) and, more egregiously, ratifying the illegal naming of one after himself. In the latter case, Marcos elevated Bayombong Hospital, a municipal-level institution, whose name had been changed to Major Ferdinand E. Marcos Hospital by the Municipal Council of Bayombong, into the Major Ferdinand E. Marcos Veterans Regional Hospital via presidential decree. Had Marcos not done so, the renaming could have been challenged as illegal based on Republic Act 1059 (see footnote 1 on page 20); Presidential Decree 306 implicitly amended Republic Act 1059. Thereafter, Marcos clarified via another presidential decree that the "regional" hospital was under the administrative supervision and control solely of the nationallevel Department of Health, making it a national hospital in all but name.



# Presidential Decree No. 614, s. 1974

Signed on December 19, 1974

#### MALACAÑANG MANILA

PRESIDENTIAL DECREE No. 614

CONVERTING THE ILOCOS NORTE INSTITUTE OF TECHNOLOGY INTO A STATE COLLEGE TO BE KNOWN AS MARIANO MARCOS MEMORIAL COLLEGE OF SCIENCE AND TECHNOLOGY, PROVIDING A CHARTER FOR THIS PURPOSE, EXPANDING ITS CURRICULAR OFFERINGS, REDIRECTING ITS OBJECTIVES AND APPROPRIATING FUNDS THEREFOR

### Figure 1. A screenshot from the Official Gazette.

Source: Republic of the Philippines. 1974. "Presidential Decree No. 614, s. 1974, Converting the Ilocos Norte Institute of Technology into a State College to Be Known as Mariano Marcos Memorial College of Science and Technology, Providing a Charter for This Purpose, Expanding Its Curricular Offerings, Redirecting Its Objectives and Appropriating Funds Therefor." http://www.officialgazette.gov.ph/1974/12/19/presidential-decree-no-614-s-1974.

# Presidential Decree No. 306, s. 1973

Signed on October 5, 1973

#### MALACAÑANG MANILA

PRESIDENTIAL DECREE No. 306

CONVERTING THE MAJOR FERDINAND E. MARCOS HOSPITAL IN THE MUNICIPALITY OF BAYOMBONG, PROVINCE OF NUEVA
VIZCAYA, INTO THE MAJOR FERDINAND E. MARCOS VETERANS REGIONAL HOSPITAL

### Figure 2. A screenshot from the Official Gazette.

Source: Republic of the Philippines. 1973. "Presidential Decree No. 306, s. 1973, Converting the Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya, into the Major Ferdinand E. Marcos Veterans Regional Hospital." Republic of the Philippines. http://www.officialgazette.gov.ph/1973/10/05/presidential-decree-no-306-s-1973.

# Presidential Decree No. 376, s. 1974

Signed on January 14, 1974

#### MALACAÑANG MANILA

PRESIDENTIAL DECREE No. 376

AMENDING PRESIDENTIAL DECREE NO. 306 ENTITLED "CONVERTING THE MAJOR FERDINAND E. MARCOS HOSPITAL IN THE MUNICIPALITY OF BAYOMBONG, PROVINCE OF NUEVA VIZCAYA, INTO THE MAJOR FERDINAND E. MARCOS VETERANS' REGIONAL HOSPITAL"

### Figure 3. A screenshot from the Official Gazette.

Source: Republic of the Philippines. 1974. "Presidential Decree No. 376, s. 1974, Amending Presidential Decree No. 306 Entitled 'Converting the Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya, into the Major Ferdinand E. Marcos Veterans' Regional Hospital'." Republic of the Philippines. http://www.officialgazette.gov.ph/1974/01/14/presidential-decree-no-376-s-1974.

Presidential Decree No. 614, s. 1974

Converting the Ilocos Norte Institute of Technology into a State College to Be Known as Mariano Marcos Memorial College of Science and Technology, Providing a Charter for This Purpose, Expanding Its Curricular Offerings, Redirecting Its Objectives and Appropriating Funds Therefor

Signed on December 19, 1974

WHEREAS, the Constitution of the Philippines directs the State to establish and maintain a complete, adequate, and integrated system of education relevant to the goals of national development and further prescribes that all educational institutions shall aim to develop scientific, technological and vocational efficiency;

WHEREAS, under Presidential Decree No. 6-A also known as the Educational Development Decree of 1972 promulgated on September 29, 1972, it had been declared a policy of the government to reorient the educational system toward an accelerated national economic growth and meaningful social development.

WHEREAS, the conversion of the Ilocos Norte Institute of Technology into a state college to be known as Mariano Marcos Memorial College of Science and Technology, providing for its own charter, broadening for this purpose its curricular offerings and redirecting its objective would serve to better achieve the above national goals;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree to be part of the laws of the land the following:

Section 1. The present Ilocos Norte Institute of Technology located in the Municipality of Batac, Province of Ilocos Norte, is hereby converted into a state college to be known as Mariano Marcos Memorial College of Science and Technology, hereinafter referred to in the Decree as the State College.

Section 2. The State College shall primarily provide higher technological, professional, and vocational instruction and training in science, agricultural and industrial fields, as well as short-term technician or vocational course. It shall also promote research, advance studies, and progressive leadership in its areas of specialization.

Section 3. In addition to its present secondary and collegiate curricular offerings, the State College shall offer other undergraduate

and graduate courses in the fields of science, agriculture and industrial field as the Board of Trustees may deem necessary. It shall also offer opportunity or short-term technical or vocational courses within its areas of specialization to meet the needs of the region.

Section 4. No student shall be denied admission to the State College by reason of sex, ethnic considerations, or religious belief or affiliation.

Section 5. The head of the State College shall be known as the President of the Mariano Marcos Memorial College of Science and Technology. He shall be appointed by the President of the Philippines upon recommendation of the Board of Trustees. His salary shall be fixed by the Board of Trustees comparable to that being received by Presidents of similar educational institutions of like enrolment and standing.

The powers and duties of the President of the State College in addition to those specifically provided for in this Decree, shall be those usually pertaining to the Office of the President of a State College or University.

Section 6. The governing body of the State College shall be the Board of Trustees of the Mariano Marcos Memorial College of Science and Technology. It shall be composed of the Secretary of Education and Culture as Chairman, the Regional Director of the National Economic Development Authority, the President of the State College, and four (4) prominent citizens of Region No. 1 to be appointed by the President of the Philippines as members.

Of the four appointed members one shall be an authority on science, one on agriculture, one on arts and trades and one on technology, Provided, That at least one of the four appointed members shall be an alumnus of the former Ilocos Norte Institute of Technology or State College. Of the first group appointed, the President shall designate one to serve for one year; one to serve for two years; one to serve for three years; and one to serve for four years. Thereafter, persons appointed to succeed such members shall hold office for the term of four years and until their successors who should be an expert in the same field shall have been appointed and qualified. In case of a permanent vacancy, the position shall be filled by appointment by the President of the Philippines. Such appointee shall hold office for the unexpired term only.

When the Secretary of Education and Culture is unable to perform his duties as Chairman of the Board due to illness, absence or other cause, or in case of vacancy in the office, the Undersecretary of Education and Culture shall temporarily perform the functions of the Chairman of the said Board. The Chairman may assign qualified officials to represent him with full authority in the Board.

Section 7. A quorum of the Board of Trustees shall consist of a majority of all the members holding office at the time a meeting is called. All processes against the Board of Trustees shall be served on the President or Secretary thereof.

Section 8. The members of the Board of Trustees shall be entitled to an allowance of one hundred pesos per meeting actually attended but not more than three hundred pesos a month; Provided, that they shall be reimbursed for actual and necessary expenses incurred either in attendance upon meetings of the Board or upon other official business authorized by resolution of the Board.

Section 9. The Board of Trustees shall have the following powers and duties in addition to its general powers of administration, and the exercise of all the powers of a corporation as provided in section Thirteen of Act Numbered Fourteen Hundred Fifty-Nine as amended otherwise known as the Corporation Law:

- (a) To receive and appropriate for the purposes specified by law such sums as may be provided for the support of the State College;
- (b) To confer degrees upon successful candidates for graduation of the State College. It may also confer honorary degrees upon persons in recognition of learning, statesmanship or eminence in any of the fields of specialization of the State College, or in recognition of public service. Provided, That such degrees shall not be conferred in consideration of or to reciprocate some personal favor;
- (c) To authorize the President of the State College to award proficiency certificates or diplomas to students who have completed non-degree courses;
- (d) To appoint, on recommendations of the President of the State College, a vice-president, deans, directors, secretary of the State College, registrar, heads of departments, professors, instructors, lecturers and other officials and employees of the State College, to fix their compensations, hours of service, and such other duties

and conditions as it may deem proper, to grant to them, in its discretion, leave of absences under such regulations as it may promulgate, any provisions of existing laws to the contrary notwithstanding; to remove them for cause after an investigation and hearing; to establish chairs in the State College, and to provide for the maintenance or endowment of such chairs as may be necessary;

- (e) To approve the curricula and rules of discipline drawn by the College Council as hereinafter provided;
- (f) To fix tuition fees, matriculation fees, graduation fees, laboratory fees, and such special fees as will constitute a special trust fund for the State College;
- (g) To provide fellowships for qualified faculty members and scholarships to deserving students;
- (h) To prescribe rules for its own government and to enact for the government of the State College such rules and regulations, not contrary to law, as may be necessary to carry out the purpose and functions of the State College;
- (i) To receive in trust legacies, gifts, and donations of real and personal property of all kinds, to administer the same for the benefit of the State College, or the departments thereof, or for aid to any student or students, in accordance with the directions and instructions of the donor, and in default thereof, in such manner as the Board of Trustees may in its discretion determine. All such donations shall be exempt from all taxes and to be considered as deductible items from the income tax of the donors, to import duty free commodities for educational purposes as an exception to existing laws; and
- (j) To authorize the State College to undertake construction and/or repair of its buildings, machinery and equipment and other facilities, any provisions of law or executive order to the contrary notwithstanding, provided that the funds for the purpose shall come from its appropriation.

Section 10. On or before the fifteenth day of the second month after the opening of regular classes each year, the Board of Trustees shall file with the Office of the President of the Philippines a detailed report, setting forth the progress, conditions and needs of the State College.

Section 11. There shall be a College Council consisting of the President of the State College and all members of the faculty with the rank of professors. The Council shall have the power to prescribe the curricula and rules of discipline, subject to the approval of the Board of Trustees. It shall fix the requirements for admission to the State College, as well as for graduation and the conferring of degrees subject to review by the Board of Trustees. The Council alone shall have the power to recommend students or others to be recipients of degrees. Through the President of the State College or its duly authorized committee, the Council shall have disciplinary power over the students within the limits prescribed by the rules of discipline.

Section 12. The body of instructors and professors of the State College shall constitute the faculty of the State College.

The faculty shall be exempt as such from any civil service examinations or regulations as a requisite to appointment.

Section 13. No member of the faculty of the State College shall attempt directly or indirectly, under penalty of dismissal by the Board of Trustees, to influence students or any person in the State College towards any ideology, political or otherwise, which preaches the overthrow of the government through violence or subversion.

Section 14. There shall be a Secretary of the State College who shall be appointed by the Board of Trustees upon recommendation of the President of the State College. He shall also be the Secretary of the Board and shall keep such records of the State College as may be determined by the Board of Trustees.

Section 15. The Treasurer of the Philippines shall be ex-officio treasurer of the State College and all accounts and expenses therefor shall be audited by the Commission on Audit or its duly authorized representatives.

Section 16. Heads of Bureaus and offices of the National Government are hereby authorized to loan or transfer, upon request of the President of the State College, such apparatus, equipment or supplies as may be needed by the State College and to detail employees for duty therein, when in the judgment of the head of the bureau or office such apparatus, equipment, supplies or the services of such employees can be spared without serious detriment to the public

service. Employees so detailed shall perform such duty as required under such detail and the time so employed shall be counted as part of their regular official service.

Section 17. All assets of the Ilocos Norte Institute of Technology, whether fixed or movable, records and personnel, are hereby transferred to the Mariano Marcos Memorial College of Science and Technology.

Section 18. In addition to the present appropriation of the Ilocos Norte Institute of Technology, the sum of five million pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated for the improvement, operation and maintenance of the State College. Thereafter funds for the maintenance and operation of the State College shall be included in the annual General Appropriations Act.

Section 19. The Secretary of Education and Culture is hereby directed to take such steps as are necessary for the immediate implementation of this Decree.

Section 20. All laws, decrees, executive orders contrary to or inconsistent with the provisions of the Decree are hereby repealed or amended accordingly.

Section 21. This Decree shall take effect immediately.

Done in the City of Manila, this 19th day of December, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.) FERDINAND E. MARCOS

By the President: (Sgd.) ALEJANDRO MELCHOR Executive Secretary

Presidential Decree No. 306, s. 1973 Converting the Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya, into the Major Ferdinand E. Marcos Veterans Regional Hospital

Signed on October 5, 1973

WHEREAS, it is a historical fact that the Bayombong Hospital in Nueva Vizcaya played a vital and historical role in the resistance movement against the Japanese Forces, being the hospital which the then Major Ferdinand E. Marcos "raided" and evacuated to the

mountain headquarters of the 14th Infantry, USAFIP, to become the nucleus of the Regimental Hospital of the said unit;

WHEREAS, the said Hospital and its personnel contributed in large measure to the success of guerilla operations in Nueva Vizcaya, Isabela, Ifugao and other adjoining provinces;

WHEREAS, in recognition of the foregoing facts and wishing to perpetuate the remembrance of a historical event, the Municipal Council of Bayombong, Nueva Vizcaya, has unanimously approved a resolution changing the name of the Bayombong Hospital to Major Ferdinand E. Marcos Hospital;

WHEREAS, there is increasing need to extend greater assistance to the country's war veterans, their offsprings, orphans, widows and other relatives, including the "bolo-men";

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081 dated September 21, 1972, and General Order No. 1 dated September 22, 1972, as amended, do hereby order and decree to be part of the laws of the land the following:

Section 1. The Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya is hereby converted into a veterans regional hospital to be known as the Major Ferdinand E. Marcos Veterans Regional Hospital, hereinafter referred to as the Veterans' Hospital.

Section 2. The Veterans' Hospital shall have a minimum capacity of one hundred beds.

There shall be established Field Hospitals in historic sites where units or contingents of the USAFIP, NL were established, or other guerilla outfits bivouacked, or engaged in the resistance movement, depending on the need therefor and the availability of funds to be determined by the Secretary of Health or his representative and a representative of the Board of Directors of the USAFIP, NL, Inc.: Provided, however, That one Field Hospital shall each be established in Kayapa, Nueva Vizcaya, and in Barrio Panupdupan, Lamut, Ifugao.

The Field Hospitals shall be directly under the administrative control and supervision of the Director of the Veteran's [sic] Hospital and shall have at least a twenty-five bed capacity. The staff and employees of the Field Hospitals shall be appointed by the Secretary of Health upon recommendation of the Director of the Veterans' Hospital established herein.

Section 3. The Veteran's [sic] Hospital shall continue to be under the administrative control of the Department Health.

Section 4. The Veterans' Hospital shall be headed by a Director who shall be appointed by the President of the Philippines. The members of the staff and other employees shall be appointed by the Secretary of Health upon recommendation by the Director of the Veterans' Hospital.

The Field Hospitals shall each be headed by a Chief of Hospital appointed by the Secretary of Health in accordance with law.

Section 5. The following shall be entitled to free medical services:

- (a) USAFIP, NL Veterans;
- (b) "Bolo-men" whose services are duly attested to by competent officers of any USAFIP, NL unit or contingent;
- (c) Wives of USAFIP, NL Veterans of "bolo-men" or widows thereof; and
- (d) Children or orphans of USAFIP, NL Veterans or "bolo-men" of minor age.

The following shall be entitled to fifty-percent discounts in hospital fees:

- (a) Relatives of USAFIP, NL veterans within the fourth degree of affinity or consanguinity, not entitled to the benefits provided for under the first paragraph of this Section; and
- (b) Relatives of "bolo-men" within the same degree as stated in the preceding sub-paragraph.

Section 6. The local governments concerned shall contribute their respective shares for the operation and maintenance of the Veterans' Hospital and its Field Hospitals in accordance with existing laws.

Section 7. The Veterans' Hospital shall be entitled to receive financial or any other form of assistance from appropriate funds of the Armed Forces of the Philippines, the Philippine Charity Sweepstakes Office, the Veterans' Foundation of the Philippines, the Philippine Veterans' Administration and other agencies or instrumentalities.

Section 8. The staff and employees of the Major Ferdinand E. Marcos Hospital shall be absorbed by the Veterans' Hospital, subject

to existing laws: Provided, That no official or employee shall suffer a demotion in rank or salary.

Section 9. All parcels of land, buildings, equipment and facilities owned by the Major Ferdinand E. Marcos Hospital, as well as all obligations and appropriations thereof, shall be transferred to the Veterans' Hospital.

Section 10. In addition to the amount already appropriated for the Bayombong Hospital, there is hereby appropriated the sum of five hundred thousand pesos for the Veterans' Hospital[.] The sum of one hundred fifty thousand pesos for the two Field Hospitals herein established is hereby also appropriated. Hereafter such sums as may be necessary for the operation and maintenance of the Veterans' Hospital, the two Field Hospitals established and the other field hospitals to be established under this Decree shall be included annually in the General Appropriations Act.

Section 11. This Decree shall take effect immediately.

DONE in the City of Manila, this 5th day of October, in the year of Our Lord, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) ROBERTO V. REYES Acting Executive Secretary

Presidential Decree No. 376, s. 1974
Amending Presidential Decree No. 306 Entitled
"Converting the Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya, into the Major Ferdinand E. Marcos Veterans' Regional Hospital."

Signed on January 14, 1974

WHEREAS, Presidential Decree No. 306 dated October 5, 1973, converted the Major Ferdinand E. Marcos Hospital in the Municipality of Bayombong, Province of Nueva Vizcaya into the Major Ferdinand E. Marcos Veterans' Regional Hospital;

WHEREAS, in order to give due recognition to the status of said hospital as a Veterans' Regional Hospital and to promote the greater efficiency and administrative flexibility thereof, there is reason to place it directly under the Department of Health, thereby removing it from any form of supervision or control of any regional office of said department;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree to be part of the laws of the land the following:

Section 1. Section 3 of Presidential Decree No. 306 is hereby amended to read as follows:

"Sec. 3. The Veterans' Hospital shall be directly under the administrative supervision and control of the Department of Health and as such shall not be subject to the supervision and/or control of any regional office of said Department."

Section 2. This decree shall take effect immediately.

Done in the City of Manila, this 14th day of January in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) ROBERTO V. REYES Assistant Executive Secretary



### APPENDIX 4.19

## Superexecutive, Supercourt, Superlegislature, and One-Man Constitutional Convention

Together, these three laws show (a) that Marcos can overrule Congress/ the Batasang Pambansa, not only by vetoing their issuances, but outright amending enacted laws via presidential decree, and (b) that Marcos retained his legislative powers even after convening a legislature and "lifting" martial law due to amendment number 6 of the 1973 Constitution. In effect, he was a one-man upper chamber above a unicameral legislature, even after "normalization." These laws are also highlighted because of the possible personal reasons behind one's supersession of the other. As numerous diary entries and news articles show, Marcos was an avid water skier. Section 2(f) of Batasang Pambansa 33 explicitly bans water skiing. Presidential Decree 1688-A's sole purpose is to modify Batasang Pambansa 33 to allow waterskiing "provided methanol is used for the power fuel." Among numerous other amendments, Presidential Decree 1865 reiterates that water skiing is allowable when "methanol is used in the power-boat operation."

#### **BATAS PAMBANSA BILANG 33**

AN ACT DEFINING AND PENALIZING CERTAIN PROHIBITED ACTS INIMICAL TO THE PUBLIC INTEREST AND NATIONAL SECURITY INVOLVING PETROLEUM AND/OR PETROLEUM PRODUCTS, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES.

Section 1. Declaration of Policy. — It is the declared policy of the State to institutionalize as a national way of life energy conservation geared towards the judicious and efficient use of energy in order to enhance availability of energy supplies required to support economic, social and developmental goals. In view of the continuing uncertainty of the international oil supply, it is imperative that measures to

Figure 1. A screenshot from Chan Robles Virtual Law Library.

Source: Republic of the Philippines. 1979. "Batas Pambansa Bilang 33, An Act Defining and Penalizing Certain Prohibiting Acts Inimical to the Public Interest and National Security Involving Petroleum and/or Petroleum Products, Prescribing Penalties Therefor and for Other Purposes." http://www.chanrobles.com/bataspambansabilang33.htm#.WeAjmWiCzDd.



# Presidential Decree No. 1688-A, s. 1980

Signed on April 3, 1980

### MALACAÑANG MANILA.

#### PRESIDENTIAL DECREE NO. 1688-A

AMENDING SECTION 2 (F) OF BATAS PAMBANSA BLG. 33

WHEREAS, Batas Pambansa Blg. 33, a measure to conserve energy in order to enhance energy supplies required to support economic, social and developmental goals, prohibits water-skiing; and

WHEREAS, water-skiing may be allowed provided methanol fuel shall be used, which is locally produced and available;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby amend Section 2(f) of Batas Pambansa Blg. 33 by exempting water-skiing from its prohibition provided methanol is used for the power fuel.

This Decree shall take effect immediately.

Done in the City of Manila, this 3rd day of April, in the year of Our Lord, nineteen hundred and eighty.

(Sgd.) **FERDINAND E. MARCOS**President of the Philippines

By the President: (Sgd.) JOAQUIN T. VENUS, JR. Presidential Staff Director

Source: Presidential Management Staff

Figure 2. A screenshot from the Official Gazette.

Source: Republic of the Philippines. 1980. "Presidential Decree No. 1688-A, s. 1980, Amending Section 2 (F) of Batas Pambansa Blg. 33." http://www.officialgazette.gov.ph/1980/04/03/presidential-decree-no-1688-a-s-1980.

#### PRESIDENTIAL DECREE NO. 1865

PRESIDENTIAL DECREE NO. 1865 - AMENDING BATAS PAMBANSA BLG. 33, ENTITLED "AN ACT DEFINING AND PENALIZING CERTAIN PROHIBITED ACTS INIMICAL TO THE PUBLIC INTERESTS AND NATIONAL SECURITY INVOLVING PETROLEUM AND/OR PETROLEUM PRODUCTS, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES", BY INCLUDING SHORT-SELLING AND ADULTERATION OF PETROLEUM AND PETROLEUM PRODUCTS AND OTHER ACTS IN THE DEFINITION OF PROHIBITED ACTS, INCREASING THE PENALTIES THEREIN, AND FOR OTHER PURPOSES"

WHEREAS, Batas Pambansa Blg. 33 defines and penalizes certain prohibited acts inimical to the public interest and national security involving petroleum and/or petroleum products;

WHEREAS, adulteration of finished petroleum products or possession of adulterated finished petroleum products for the purpose of sale, distribution, transportation, exchange or barter; and underdelivery or underfilling beyond authorized limits in the sale of petroleum products or liquefied petroleum gas cylinders are pernicious practices that are rampant and widespread;

WHEREAS, there is an urgent need to curb, if not totally eliminate, such nefarious practices in the industry in order to better protect the consuming public;

WHEREAS, it is necessary to provide the implementing government agencies with increased administrative and criminal penalties with which it can effectively curtail petroleum product adulteration and shortselling as well as other prohibited acts and activities involving petroleum and/or petroleum products which are inimical to public interest and national security:

WHEREAS, in view of the foregoing considerations, it has become necessary to amend certain provisions of Batas Pambansa Blg. 33, as well as to provide, new provisions in the law.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree as follows:

Section 1. Section two of Batas Pambansa Blg. 33, as amended is further amended to read as follows:

"Sec. 2. Prohibited Acts. — The following acts are prohibited and penalized:

- "(a) Illegal trading in petroleum and/or petroleum products;
- "(b) Adulteration of furnished petroleum products, or possession of adulterated finished petroleum products for the purpose of sale, distribution, transportation, exchange or barter;
- "(c) Underdelivery or underfilling beyond authorized limits in the sale of petroleum products or possession of underfilled liquefied petroleum gas cylinder for the purpose of sale, distribution, transportation, exchange or barter;

"The Oil Company, petroleum refiller, marketer, dealer and retailer, as the case may be, and the hauler shall be responsible for the quantity and quality of the petroleum product delivered when the same is sold on delivered basis.

"For the purpose of this subparagraph, the existence of the facts hereunder shall give rise to the following presumptions:

- "1) That cylinders containing less than the required quantity of liquefied petroleum gas which are not property identified, tagged and set apart and removed or taken out from the display area and made accessible to the public by marketers, dealers, sub-dealers or retail outlets are presumed to be for sale;
- "2) In the case of a dispensing pump in a petroleum products retail outlet selling such products to the public, the absence of an out-of-order sign, or padlocks, attached or affixed to the pump to prevent delivery of petroleum products therefrom shall constitute a presumption of the actual use of the pump in the sale or delivery of such petroleum products; and
- "3) When the seal, whether official or of the Oil Company, affixed to the dispensing pump, tank truck or liquefied petroleum gas cylinder, is broken or is absent or removed, it shall give rise to the presumption that the dispensing pump is underdelivering, or that the liquefied petroleum gas cylinder is underfilled, or that the tank truck contains adulterated

Figure 3. A screenshot from Chan Robles Virtual Law Library.

*Source:* Republic of the Philippines. 1983. "Presidential Decree No. 1865." http://www.chanrobles.com/presidentialdecrees/presidentialdecreeno1865.html#.WeApE2iCzDc.

## BATAS PAMBANSA BILANG 33

An Act Defining and Penalizing Certain Prohibiting Acts Inimical to the Public Interest and National Security Involving Petroleum and/or Petroleum Products, Prescribing Penalties Therefor and for Other Purposes.

Section 1. *Declaration of Policy.* — It is the declared policy of the State to institutionalize as a national way of life energy conservation geared towards the judicious and efficient use of energy in order to enhance availability of energy supplies required to support economic, social and development goals. In view of the continuing uncertainty of the international oil supply, it is imperative that measures to conserve energy be strengthened and that acts involving petroleum and/or petroleum products contrary to the intent and spirit of judicious usage and conservation of energy, which are inimical to the public interest and national security, be prohibited and appropriate sanction therefor be imposed.

- SEC. 2. *Prohibited Acts.* The following acts are prohibited and penalized:
  - a) Illegal trading in petroleum and/or petroleum products;
  - b) Hoarding of petroleum and/or petroleum products;
  - c) Overpricing in the sale of petroleum and/or petroleum products;
  - d) Misuse of petroleum allocations;
  - e) Speed contests and rallies involving mainly the use of motor vehicles, motor-driven watercraft or aircraft utilizing petroleum-derived fuels, including car and motorcycle rallies and drag racing; and
  - f) Sky-diving and water skiing.
- SEC. 3. *Definition of Terms.* For the purposes of this Act, the following terms shall be understood to mean:

"Illegal trading in petroleum and/or petroleum products" - the sale or distribution of petroleum and/or petroleum products for profit without license or authority from the Government; non-issuance of receipts by licensed traders; misrepresentation as to quality and/or quantity; and sale by oil companies, distributors and/or dealers violative of government rules and regulations.

"Hoarding" — the undue accumulation by a trader of petroleum and/or petroleum products beyond his or its normal inventory levels  $\frac{1}{2}$ 

and/or the unjustified refusal to dispose of, sell or distribute the same to consumers; or the unreasonable accumulation by a person other than a trader of petroleum and/or petroleum products.

"Overpricing" — the sale of petroleum and/or petroleum products at prices in excess of those duly authorized by the Government.

"Misuse of allocation" — the sale, transfer or diversion of mandated petroleum fuel allocations by oil companies, distributors, dealers of consumers contrary to the declared intent of the government in making such allocation.

SEC. 4. *Penalties* - Any person who commits any act herein prohibited shall, upon conviction, be punished with a fine of not less Two Thousand Pesos (P2,000) but not more than Ten Thousand Pesos (P10,000), or imprisonment of at least two (2) months but not more than one (1) year, or both, in the discretion of the court. Furthermore, the petroleum and/or petroleum products, subject matter of the illegal trading, hoarding, overpricing and misuse, shall be forfeited in favor of the Government: Provided, That if the petroleum and/or petroleum products have already been delivered and paid, the payment made shall be the subject of the forfeiture, and if the seller who has not yet delivered has been paid, the price received shall be returned to the buyer; and in addition, if the offender is a trader, the cancellation of his license.

Trials of cases arising under this Act shall be terminated within thirty (30) days after arraignment.

When the offender is a corporation, partnership, or other juridical person, the president, general manager, managing partner, or such other officer charged with the management of the business affairs thereof shall be criminally liable.

If the offender is a government official or employee, he shall perpetually be disqualified from office.

- SEC. 5. *Repealing Clause*. All laws, decrees, orders, instructions, rules and regulations which are inconsistent with, or contrary to, the provisions of this Act are hereby repealed or modified accordingly.
- SEC. 6. *Effectivity* Upon its approval, this Act shall take effect after five days from its publication in at least two newspapers of general circulation.

Approved, June 6, 1979.

## Presidential Decree No. 1688-A, s. 1980 Amending Section 2 (F) of Batas Pambansa Blg. 33

Signed on April 3, 1980

WHEREAS, Batas Pambansa Blg. 33, a measure to conserve energy in order to enhance energy supplies required to support economic, social and developmental goals, prohibits water-skiing; and

WHEREAS, water-skiing may be allowed provided methanol fuel shall be used, which is locally produced and available;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby amend Section 2(f) of Batas Pambansa Blg. 33 by exempting waterskiing from its prohibition provided methanol is used for the power fuel.

This Decree shall take effect immediately.

Done in the City of Manila, this 3rd day of April, in the year of Our Lord, nineteen hundred and eighty.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) JOAQUIN T. VENUS, JR. Presidential Staff Director

## Presidential Decree No. 1865

Amending Batas Pambansa Bilang 33, Entitled "An Act Defining and Penalizing Certain Prohibited Acts Inimical to the Public Interests And National Security Involving Petroleum and/or Petroleum Products, Prescribing Penalties Therefor and for Other Purposes", By Including Shortselling and Adulteration of Petroleum and Petroleum Products and Other Acts in the Definition of Prohibited Acts, Increasing the Penalties Therein, and for Other Purposes".

WHEREAS, Batas Pambansa Bilang 33, defines and penalizes certain prohibited acts inimical to the public interest and national security involving petroleum and/or petroleum products;

WHEREAS, adulteration of finished petroleum products or possession of adulterated finished petroleum products for the purpose of sale, distribution, transportation, exchange or barter; and underdelivery or underfilling beyond authorized limits in the sale of petroleum products or liquefied petroleum gas cylinders are pernicious practices that are rampant and widespread;

WHEREAS, there is an urgent need to curb, if not totally eliminate, such nefarious practices in the industry in order to better protect the consuming public;

WHEREAS, it is necessary to provide the implementing government agencies with increased administrative and criminal penalties with which it can effectively curtail petroleum product adulteration and shortselling as well as other prohibited acts and activities involving petroleum and/or petroleum products which are inimical to public interest and national security;

WHEREAS, in view of the foregoing considerations, it has become necessary to amend certain provisions of Batas Pambansa Bilang 33, as well as to provide, new provisions in the law;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree as follows:

SECTION 1. Section two of Batas Pambansa Bilang 33, as amended, is further amended to read as follows:

- "Sec. 2. *Prohibited Acts.* The following acts are prohibited and penalized:
  - "(a) Illegal trading in petroleum and/or petroleum products;
  - "(b) Adulteration of finished petroleum products, or possession of adulterated finished petroleum products for the purpose of sale, distribution, transportation, exchange or barter;
  - "(c) Underdelivery or underfilling beyond authorized limits in the sale of petroleum products or possession of underfilled liquefied petroleum gas cylinder for the purpose of sale, distribution, transportation, exchange or barter:

"The oil company, petroleum refiller, marketer, dealer and retailer, as the case may be, and the hauler shall be responsible for the quantity and quality of the petroleum products delivered when the same is sold on delivered basis.

"For the purpose of this subparagraph, the existence of the facts hereunder shall give rise to the following presumptions:

- "1) That cylinders containing less than the required quantity of liquefied petroleum gas which are not properly identified, tagged and set apart and removed or taken out from the display are and made accessible to the public by marketers, dealers, sub-dealers or retail outlets are presumed to be for sale;
- "2) In the case of a dispensing pump in a petroleum product retail outlet selling such products to the public, the absence of an out-of-order sign, or padlock, attached or affixed to the pump to prevent delivery of petroleum products therefrom shall constitute a presumption of the actual use of the pump in the sale or delivery of such petroleum products; and
- "3) Where the seal, whether official or of the oil company, affixed to the dispensing pump, tank truck or liquefied petroleum gas cylinder, is broken, or is absent or removed, it shall give rise to the presumption that the dispensing pump is underdelivering, or that the liquefied petroleum gas cylinder is underfilled, or that the tank truck contains adulterated finished petroleum products or is underfilled;

"The use of such pumps, cylinders or containers referred to in subparagraph (1), (2), and (3) of this sub-paragraph, to deliver products for sale or distribution shall constitute prima facie evidence of intent of the hauler, marketer, refiller, dealer, retailer outlet operator to defraud; "[(b)] (D) Hoarding of petroleum and/or petroleum products;

- "[(c)] (E) Overpricing in the sale of petroleum products;
- "[(d)] (F) Misuse of petroleum allocations;
- "[(e)] (G) Speed contests and rallies involving mainly the use of motor vehicles, motor-driven watercraft or aircraft utilizing petroleum-derived fuels, including car and motorcycle rallies and drag racing, without the permit from the bureau of energy utilization; and
- "[(f)](H) Sky-diving, and water skiing except when methanol is used for the power-boat operation."

- SEC. 2. Section three of the same Act is hereby amended to read as follows:
- "SEC.3. *Definition of terms.* For the purpose of this Act, the following terms shall be construed to mean:
  - "Illegal trading in petroleum and/or petroleum products"-
    - "(A) the sale or distribution of petroleum products [for profit] without license or authority from the [Government] Bureau of Energy Utilization;
    - "(B) non issuance of receipts by licensed [traders] oil companies, marketers, distributors, dealers, sub-dealers and other retail outlets, to final consumers; provided: that such receipts, in the case of gas cylinders, shall indicate therein the brand name, tare weight, gross weight, and the price thereof;
  - "(C) Refilling of liquefied petroleum gas cylinders without authority from said bureau, or refilling of another company's or firm's cylinders without such company's or firm's written authorization;
  - "(D) Making or using in such cylinders a tare weight other than the actual or true tare weight thereof;
  - "(E) Violation of rules and regulations of said bureau regarding the implementation of this Act;
  - "(F) Removal or unloading of petroleum products from any lorry, tank truck or delivery vehicle by any person other than the contracted purchaser, or in premises of the purchaser's retail outlet or business establishment;
  - "(G) Use of a pump metering unit which has not been properly calibrated and sealed by the office of the city or municipal treasurer where the station or outlet is located, or by the national science and technology authority (NSTA), or by any other government agency authorized therefor, or in the absence thereof by the oil company; and
  - "(H) Use of a tank truck, lorry, hauling vehicle, or other conveyor other than vessels or barges for the delivery of petroleum products which has not been registered with

the bureau of energy utilization and the tanks, containers, or compartment thereof are not properly calibrated and sealed by the national science and technology authority or any other government agency authorized therefor [misrepresentation as to quality and/or quantity; and sale by oil companies, distributors and/or dealers violative of government rules and regulations]

"Petroleum fuel product adulteration" — the mixing of any petroleum product with another finished or unfinished petroleum product or stock or with any non-petroleum substance or material that will result in product quality change, or resulting in the failure of such finished petroleum product to meet the required product specifications as prescribed by the products standards agency of the Ministry of Trade and Industry, for the purpose of this definition, finished petroleum products refers to any of the following: Premium gasoline, regular gasoline, aviation gasoline, aviation turbo fuel, kerosene, diesel fuel, industrial fuel or package lube oils. This definition shall not apply to alcogas mixture and oil emulsions.

"Underfilling or underdelivery" Refers to a sale, transfer, delivery or filling of petroleum products of a quantity that is actually beyond authorized limits than the quantity indicated or registered on the metering device of container. This refers, among others, to the quantity of petroleum products delivered by metered dispensing pumps in petroleum retail outlets or to liquefied petroleum gas in cylinder or to lube oils in packages.

"Hoarding" — the undue accumulation of a trader of petroleum and/or petroleum products beyond his or its normal inventory levels, and/or unjustified refusal to dispose of, sell or distribute the same to consumers; or the unreasonable accumulation by a person other than a trader of petroleum and/or petroleum products.

"Overpricing" — the sale of petroleum and/or petroleum products at prices in excess of those duly authorized by the [Government] Board of Energy.

"Misuse of allocation" — the sale, transfer or diversion of mandated petroleum fuel allocation by oil companies, distributors, dealers or consumers contrary to the declared intent of the Government in making such allocation."

SEC. 3. The same Act is further amended by inserting between Sections three and four thereof, a new Section which shall read as follows: "Sec. 3-A. Rules and Regulations; Administrative Sanctions for violation thereof. The Bureau of Energy utilization shall issue such rules and regulations as are necessary to carry into effect the provisions of this act, subject to the approval of the Minister of Energy, after consultation with the affected industry sectors. Said rules and regulations shall take effect fifteen (15) days from the date of its publication in two (2) newspapers of general circulation.

"The Bureau of Energy utilization is empowered to impose in an administrative proceeding, after due notice and hearing, upon any person who violates any provision of such rules and regulations, a fine of not more than ten thousand pesos (P10,000.00) or to suspend or remove the license or permit of a hauler, marketer, refiller, dealer, subdealer or retail outlet: provided, that hearing in any administrative proceedings may be waived by respondent. Provided, further, that during the pendency of such administrative proceeding, the bureau may suspend the business operations of such hauler, marketer, refiller, dealer, sub-dealer or retailer or retail outlet operator when the suspension is consistent with the public interest. Administrative proceedings shall be decided within thirty (30) days after filing of the last responsive pleading by the respondent, or termination and completion of the administrative proceeding.

"All law enforcement and other concerned agencies of the government shall assist the Bureau of Energy utilization in the implementation of this section.

"The administrative sanction that may be imposed shall be without prejudice to the filing of a criminal action as the case may warrant."

SEC. 4. Section four of the same Act is amended to read as follows:

"Sec. 4. *Penalties.* — Any person who commits any act herein prohibited shall, upon conviction, be punished with a fine of not less than (two) TWENTY thousand pesos (P2,000.00) (P20,000.00) but not more than (Ten) FIFTY thousand pesos (P10,000.00) (P50,000.00), or imprisonment of at least two (2) [months] YEARS but not more than [one (1)] FIVE (5) years, or both, in the discretion of the court. In cases of second and subsequent conviction under this act, the penalty shall be both fine and imprisonment as provided herein. Furthermore, the petroleum and/or petroleum products subject matter of the illegal trading, adulteration, shortselling, hoarding, overpricing [and] OR misuse, shall be forfeited in favor of the Government: Provided, That if the petroleum and/or petroleum

products have already been delivered and paid for, the offended party [the payment made] shall be indemnified twice the amount paid [the subject of forfeiture] and if the seller who has not yet delivered has been fully paid, the price received shall be returned to the buyer with an additional amount equivalent to such price; and in addition, if the offender is [a trader] an oil company, marketer, distributor, refiller, dealer, sub-dealer and other retail outlets, or hauler, the cancellation of his license.

"Trials of cases arising under this Act shall be terminated within the thirty (30) days after arraignment.

"When the offender is a corporation, partnership, or other juridical person, the president, general manager, managing partner, or such other officer charged with the management of the business affairs thereof, or employee responsible for the violation, shall be criminally liable, in case the offender is an alien, he shall be subject to deportation after serving the sentence.

"If the offender is a government official or employee, he shall be perpetually disqualified from office."

Sec. 5. All laws, decrees, orders, instructions, rules and regulations which are inconsistent with, or contrary to, the provisions of this Act are hereby repealed or modified accordingly.

Sec. 6. This decree shall take effect upon its approval.

Done in the City of Manila, this 25th day of May in the year of Our Lord, nineteen hundred and eighty -three.

(Sgd.) FERDINAND E. MARCOS President Republic of the Philippines

By the President: (Sgd.) JUAN C. TUVERA Presidential Executive Assistant



#### APPENDIX 4.20

## RESOLUTION OF U.P. LAW CLASS 1939 DECLARING ITS UNQUALIFIED ADHERENCE TO THE NEW SOCIETY AND PLEDGING ITS LOYALTY AND FEALTY TO PRESIDENT FERDINAND E. MARCOS

This resolution can be found among the files in the custody of the PCGG. Marcos topped the bar examinations in 1939, as Marcos loyalists love to remind people. Ferdinand Marcos was, of course, his class's most famous alumnus for reasons besides that. He was not the only member of UP Law Class 1939 to become a guerrilla during the war-writer-lawyer Abelardo Subido, a signatory in the following, was one as well, as was Renato "Katoks" Tayag, who formed a law firm with Marcos before the war. There were other members of Batch 1939 who became fabulously wealthy, such as Marcos crony Roberto Benedicto. But certainly, Marcos was the only member of his batch to become senate president, then president, then dictator. This resolution was signed about two months after the Supreme Court promulgated Javellana v. Executive Secretary, which famously ends with the line "there is no further judicial obstacle to the new [1973] Constitution being considered in force and effect." Thus, by the time this resolution was signed, Marcos was not only the Batch 1939's most distinguished alumnus, he had become godlike in the legal field—a Supreme Courtvalidated one-man legislature and chief executive. Or, in the words of the resolution's signatories, "the Grand Architect of our destiny."

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 24, File No. 0193.

resolution of U.P. Law Class 1939 DECLARING ITS UNQUALIFIED ADRIVE ENCE TO THE NEW SOCIETY & PLUDGING ITS LOYALTY AND FEALTY TO PRESIDENT FERDENAND E. MARCOS

WHEREAS, Ms Excaliency, President Fordinand E. Marque, the most distinguished member of Class 1939 of the College of Law, University of the Philippines, jettleened the old society and detablished the New Fociety (Ang Bagong Linenas) in order to egudicate the ovils and injustices which plagued the old order.

WHEREAS, it is incumbent upon the members of U. P. Law Class 1939 to give their unstinted support to their most distinguished alumans, ille Exectioney, President Marcos, to pledge their levelty and fealty to the ideals he stands for, and to work for the complete Pealization of the great goals of the New Society.

NOW, THEREFORE, the members of U. P. Low Glass 1939, duly represented by the incumbent officers of the U. P. Law Class 139 Alumni Association, as their spokesmen, do hereby resolve and declare that U. P. Law Close '39 adheres unconditionally and shablutaly to the New Constitution and to the salutary policies and noble principles of the present administration of President Margos as the Grand Architect of our destiny.

IN TESTIMONY HEREOF, we, the officers of the U. P. Law Class 139 Alumni Association, have hereunic affined our signatures this 28th day of Mak, 1973 at Magila, Philippines.

> MORLEJAN Me P. Law Class

ABELANDO SUBREC Vice President

REMEDION MEJARRIA-AUSTRIA

Secretary

ABELARDO BUENAVERTURA Vice President-Treasurer

WHEREAS, His Excellency, President Ferdinand E. Marcos, the most distinguished member of Class 1939 of the College of Law, University of the Philippines, jettisoned the old society and established the New Society (Ang Bagong Lipunan) in order to eradicate the evils and injustices which plagued the old order.

WHEREAS, it is incumbent upon the members of U.P. Law Class 1939 to give their unstinted support to their most distinguished alumnus, His Excellency, President Marcos, to pledge their loyalty and fealty to the ideals he stands for, and to work for the complete realization of the great goals of the New Society.

NOW, THEREFORE, the members of the U.P. Law Class 1939, duly represented by the incumbent officers of the U.P. Law Class '39 Alumni Association, as their spokesman, do hereby resolve and declare that U.P. Law Class '39 adheres unconditionally and absolutely to the New Constitution and to the salutary policies and noble principles of the present administration of President Marcos as the Grand Architect of our destiny.

IN TESTIMONY HEREOF, we, the officers of the U.P. Law Class '39 Alumni Association, have hereunto affixed our signatures this 25th day of May at Manila, Philippines.

[SGD.] ANTONIO M. NOBLEJAS President, U.P. Law Class '39 Alumni Association

[SGD.]
ABELARDO SUBIDO
Vice President

[SGD.]
REMEDIOS MIJARES-AUSTRIA
Secretary

[SGD.]
ABELARDO BUENAVENTURA
Vice President-Treasurer



#### APPENDIX 4.21

# Marcos Diary Entries, 8 October 1970 and 11 June 1979

These entries show what else one can find in Marcos's diaries—musings, his views on certain crucial events, and his take on his powers under martial law. The 1970 entry mentions several of Marcos's desired legislative legacies and his planned programs for the poor. About half of the entry concerns how history will judge him. Here, he declares that to combat distortion by contemporary writers of history, he will write about the first four years of his administration himself. That volume did not materialize; the first book authored by Marcos was the lengthy political philosophy essay, Today's Revolution: Democracy (1971). In the 1979 entry, Marcos clarifies that the Ministry of National Defense (then headed by Juan Ponce Enrile) "has no command function," i.e., is only recommendatory. Marching orders of the Armed Forces can only be promulgated by Marcos as Commander-in-Chief. However, it is also implied that Enrile had previously exercised command functions (e.g., the transfer of the 60th Philippine Constabulary Strike Force Battalion; see appendix 2.5, 389) though Marcos, to "maintain a semblance of unity in the administration," maintained that such were done upon his orders.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 1, File Nos. 1090–95 and Roll No. 33, File Nos. 0970–74.

8.10 Ogn

4/3 Oct. 8, 1970 Tunalay

MALACAÑAN PALACE

city assaulious mireland in the rally to soul presidents statutag at 10:30 Al.

# O.A. 8,1970 (Cons)

# MALACAÑAN PALACE

Jafter worder what I will do roumband in history for Sololar? Helitary haro? Builder? The war constitution? Pleasement of government? Builder of roule, o chools? The gran revolution? Monter of the varient and antegoritie clarants of our people? He brought light to a dark country? Strong rallying point or a weak light to a see a hour society evalue out of the sear constitution and the sear codes of well orbinated by regular season (I would like a configuration of the administration of the companion (I would like a configuration of the administration of the among attents) I would like to declare the whole Philippines as a limb reform area and a grandlund cooperature or against the following for all the housing loans for the lower grade supplement when the juice of the total too o houses a world; provide for abuscation up to high solved longer a competitive and excomment in lastic the high solved longer a competitive and excomment in lastic light solved lead on a competitive and excomment in lastic light solved

There are so many glaus that I want still carry through.

MALACANAN PALACE (Concide Paul Huttony &

allegal history book up to end of thereon I and I was alocked (a I always an with the ignerance of allegal witellestude) at the distortions of the facts and the ease with which for fetched conclusions are arrived at. But this is trained of contemporary writers. There is now of the dedicated and balanced unting research and the occlearly, expective and dispossionate approach to the onlyst. The prejudices and the preconceptions of media and the assemblations of columns and the preconceptions of media and the assemblations of columns and commentations are passed of as ground touth.

So I have decided to write of my first four years of administration repelf. I have asked all departments to and mit their contributions to the administration.

Bt the were important facts will do the hubban meanings of action taken, the various factors that went into decisions and the truth.

This is the demonstrations in Congress on Jan. 26, 1970 the coffin and atom as well as battles were not thrown at Inches and we but at the policemen who had thrown the coffin at the communitations from the flaggale got and had with at some athlets with their sticks.

Then the electrons of 1969 were called by the apprection as "the conflict and bloodiest electron" and thus has been adopted by Gazelonia as true without any reservations.

Office of the President of the Philippines Manila June 1/, 197

# Office of the President of the Philippines Manila

Many were is replace with an regulable examples of divided command.

for the constitution promonent that

The President Prince transfer shall be
the Commander-wi-Chief of the armed

Herces of the Philippines.

This being so, the trustry of testional Defense has to the takent Print that further that established the program of government and determine the guidelines of untional policy!

furtion to certial or order muletary extensions by the aread series of the

Office of the President of the Philippines Manila

168

Office of the President of the Philippines

Philippines as a whole on any of the wints thereof. It cannot though afficers and man, units or their equipment.

These are conseal functions exercised by the Chief of Steff of the armed forces and the Avendut/
Prime Timeter as Commander - May of end armed forces.

The himsty of Defense many recommend and may man participate in the frequentian of operational flams when so ordered by the Property Prince the State are no - builded by the Commander in thing, the Broader Prince timeter.

# Office of the President of the Philippines

result in gossile conflict of orders and in time of crisis and war, potential failure and tryply.

#### 8 October 1970

I write this after an afternoon of paper work on Nixon's new peace proposal for the whole of Indo China (Laos and Cambodia included; not only Vietnam) on the basis of a ceasefire-as-is and a general conference for the three countries; smuggling; Usec. Ingles assignment to the Unesec conference in Paris on Oct. 12<sup>th</sup>; the Sapang Palay effort on infrastructure; Central Bank report on loans, security holdings and money supply that went down by P114 million last month; the proposals for the new intelligence missions all over the country.

This morning I wanted to meet the teachers of the four cities that paraded to Malacañang (although their demand for a 5% living allowance had been granted; they claimed that they had paid for the buses already and they would lose face if they did not go through with it; at the same time it was led by a frustrated politician, Pangilinan, who is running for councilor of Caloocan City and who wanted to make propaganda out of it). Their ranks were infiltrated by students who are radical activists (from U.P.) who wanted to enter Malacañang grounds also. The security would not allow them to. Then the teachers dispersed because they would not follow the students.

But I have asked all the eleven associations of teachers including the four city associations involved in the rally to send their presidents and vice-presidents Saturday at 10:30 AM.

I often wonder what I will be remembered in history for. Scholar? Military hero? Builder? The new constitution? Reorganization of government? Uniter of the variant and antagonistic elements of our people? He brought light to a dark country? Strong rallying point or a weak tyrant?

I certainly would like to see a new society evolve out of the new constitution and the new codes I will submit next regular session (I would like a new codification of the administrative code [now pending in Congress]. Penal Code, Labor Code and Commercial Code among others). I would like to declare the whole Philippines as a land reform area and agricultural cooperatives organized, build houses for all the homeless (I have asked the SSS and GSIS not to give any housing loans for the lower grade employees unless they buy their homes from the National Housing Commission headed by Gen. Tobias of the PHILCAG which is ready to build 1,000 houses a month); provide free education up to high school level on a competitive and examination basis.

There are so many plans that I must still carry through.

I have just glanced though (fast reading) an alleged history book (Concise Phil. History by Gagelonia) up to end of Marcos I and I was shocked (as I always am with the ignorance of alleged intellectuals) at the distortions of the facts and the ease with which far-fetched conclusions are arrived at. But this is typical of contemporary writers. There is none of the dedicated and balanced untiring research and the scholarly, objective and dispassionate approach to the subject. The prejudices and the preconceptions of media and the speculations of columnists and commentators are passed off as gospel truth.

So I have decided to write of my first four years of administration myself. I have asked all departments to submit their contributions to the administration.

But the more important parts will be the hidden meanings of action taken, the various factors that went into decisions and the truth.

Thus in the demonstrations in Congress on January 26, 1970 the coffin and stones as well as bottles were not thrown at Imelda and me but at the policeman who had thrown the coffin at the demonstrators from the flagpole port and had hit at some students with their sticks.

Then the elections of 1969 were called by the opposition as the "costliest and bloodiest election" and this has been adopted by Gagelonia as true without any reservations.

## 11 June 1979

Clarification of Powers and Functions of the Ministry of National Defense (To Prevent the Division of Command Power in Crisis Situations).

I have been asked repeatedly what powers the Ministry of National Defense has in the transfer of and reassignment of military units because of the removal from and transfer of the 60<sup>th</sup> PC Bn. From Kalinga-Apayao and more recently the PC elements and marine units last May from Samar by order of the Minister of National Defense apparently without the previous approval or authority of the President/Prime Minister as Commander-in-Chief of the Armed Forces of the Philippines.

Because of the need to maintain a semblance of unity in the administration, I have maintained that these were done upon my orders.

However, because the question as well as the said transfers of military units raised the basic and crucial principle of the need of a united and NOT a divided command, I find it necessary to establish these rules that delineate powers and jurisdiction to prevent a conflict of authority that may result in a divided command of our small forces with the attendant inefficiency, confusion and tragedy that has often resulted from such divided command.

Philippines as a whole or any of the units thereof. It cannot transfer officers and men, units or their equipment.

These are command functions exercised by the Chief of Staff of the Armed Forces and the President/Prime Minister as Commander-in-Chief of such Armed Forces.

The Ministry of Defense may recommend and may even participate in the preparation of operational plans when so ordered by the President/Prime Minister. But the orders for operations are promulgated by the Commander-in-Chief, the President/Prime Minister.

To allow otherwise would result in possible conflict of orders and in time of crisis and war, potential failure and tragedy.



#### APPENDIX 5.1

# LETTER FROM LUIS NEPOMUCENO TO IMELDA MARCOS ON THE FILM MAHARLIKA, 10 NOVEMBER 1980

Iginuhit ng Tadhana (1964), as Teresita Maceda points out, was the first film about Ferdinand Marcos. It had a sequel, Pinagbuklod ng Langit (1969). Both were campaign films. A third film, Maharlika, was focused on Marcos's guerilla exploits, which were mostly fabrications (Ariate and Reyes 2016a, 2016b, 2016c). This was the film that brought the infamous Dovie Beams to the Philippines. She was cast as the love interest of the film's protagonist. While she completed filming her role, over the course of her stay in the Philippines, she also became Ferdinand Marcos's mistress. A recording she made of one of their trysts became the soundtrack of the opposition. Based on the following letter, Imelda Marcos, understandably, had the film placed under lock and key. However, the custodian's financial difficulties may have been the reason why the film resurfaced in the 1980s—in time for the dawn of home video. According to a number of websites (e.g., Film Affinity 2017), one title that the film was released under was Guerilla Strike Force. This series of events show Ferdinand and Imelda Marcos's attempts to control the manufacture of myths about them, which at times required suppression of undesirable events.

#### References

- Ariate, Joel, and Miguel Paolo Reyes. 2016a. "File No. 60: Marcos' Invented Heroism."
  Vera Files, July 2. http://verafiles.org/articles/file-no-60-marcos-invented-heroism.
  —. 2016b. "File No. 60: A Family Affair." Vera Files, July 3. http://verafiles.org/articles/file-no-60-family-affair.
- ——. 2016c. "File No. 60: Debunking the Marcos War Myth." *Vera Files*, July 4. http://verafiles.org/articles/file-no-60-debunking-marcos-war-myth.
- Film Affinity. 2017. "Guerilla Strike Force." Film Affinity. Accessed 2 November. https://www.filmaffinity.com/en/film367758.html.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 169, File Nos. 0835–36.



# NEPOMUCENO PRODUCTIONS, INC.

LUIS NEPOMUCENO

November 10, 1980

Madam Imelda Romualdez Marcos First Lady and Minister of Human Settlements Malacañan Palace Manila

Dear Madam:

During my last audience with you in 1971 you entrusted to me the responsibility of safeguarding the film which we shelved from exhibition, entitled Maharlika.

You had instructed me then to inform you should any problems arise. With all due respect, I should like to inform you that because of our present difficulties we may encounter problems in our present control over Moharlika and all its elements which are abroad.

Our difficulties have arisen because the Philippine National Bank has foreclosed all our properties, studio, equipment and my own home. The PNB has succeeded in pulling out all our equipment and we have brought them to court on the studio and my home.

We have tried to endure the financial strain caused by the PNB foreclosure, but we are unable to do so and continue being responsible for the safeguarding of all of Maharlika's elements.

The shelving of Maharlika put a strain on our operations in 1971, but with your help we obtained finances in 1974 from the PNB. We mortgaged all our properties with a value in excess of P50 Million and were advised by PNB that we could be accommodated up to P20 Million. After releasing P7.5 Million, further approvals were stopped and we were immediately foreclosed.

OFFICES & STUDIOS MAILING ADDRESS COMMUNICATIONS: HONGKONG: NEPOMUCENO PRODUCTIONS BUILDING, 753, MALUGAY STREET
MAKATI, METRO MAKINA (MERR AYAL, SUBJECTION) PHILIPPINES
OFFICERAS AND P. O. DOX 7755, MANUEL, INTERNISTIONAL ANDORS. PHILIPPINES
OFFICERAS AND P. O. DOX 7755, MANUEL, INTERNISTIONAL ANDORS. PHILIPPINES
TELEPHONES. 85-749-10 82-74-94. TELEF. TOX MANUEL, PHILIPPINES
TELEPHONES. 85-749-10 82-74-94. TELEF. TOX MANUEL, PHILIPPINES
OFFICERAS AND PROPERTY OF THE PR

00 2903

Although the matter is in court, the fact is that our operations are paralyzed. We have no recourse but to appeal to you so that we may get out of our present predicament and be active once again.

The movie equipment that PNB has pulled out is just wasting away in their storage. These equipment are worth over P30 Million and PNB has an appraisal over P12 Million. May we suggest a compromise:

- 1. PNB keeps the equipment which more than adequately covers their exposure to us.
- 2. They release the real estate properties to us so that we may use these to seek help from other banks and recover from our present inactivity.
- 3. We can then commit to buy back the equipment from PNB on installments, at a price that would cover their exposure to us.

We have many good plans for here and abroad that would benefit the country. I was present last autumn in New York when you voiced dissatisfaction in the efforts to inform the Filipinos in the U.S. of the true picture in the Philippines. We have helped with the National Anthem produced for the birthday of the President and we could do so much more to inform the Filipinos not only in the U.S., but here as well, of the unprecedented achievements that you and the President have accomplished.

Only you can help us with the PNB so that we may resume our operations and our usefulness to the country. Please allow me to see you and outline to you what Nepomuceno Productions can do through motion pictures to help in your heavy task of nation building.

Very respectfully yours,

Tuls Napamusana



#### APPENDIX 5.2

### "A Man of His Time," A Year Before Martial Law, 11 September 1971

This piece of propaganda was published in the first (and only?) issue of *The Leader*, which focused on Ferdinand Marcos's fifty-fourth birthday. That birthday came mere weeks after the bloody Plaza Miranda bombing and Marcos's suspension of the privilege of the writ of habeas corpus on 21 August 1971. Marcos here is portrayed as a liberal, though one willing to use force when necessary in response to the "new radicalism" of the time; a freedom/national security paradox is mentioned, but the only resolution offered thereto is trust in the leadership of the president. Marcos, portrayed as far superior to his immediate predecessors (Carlos Garcia and Diosdado Macapagal), is doing precisely what is necessary, readers are being told, a little over a year before the declaration of martial law.

As a people, we Filipinos revise our opinions of our leaders incessantly, and in the particular case of President Ferdinand Marcos our estimate of the man has oscillated all too often between praise and condemnation as to defy analysis.

No man perhaps so dominates our times today, or so ably gathers around himself the attention and passions of the body politic, as Mr. Marcos does today. This is not merely the accident of being Chief Executive (other men, say the late Carlos Garcia and Diosdado Macapagal, serving in the same office, never carved so indelible an impression on our national life); it is rather an extension of the man himself; of who he is, what he believes in, and what these contribute to the shaping of the national directions and decisions. The familiar portrait of him sitting on a sofa in the Palace taken early in his first term—the somewhat round calm face at once genial and impervious, the still manly (military?) posture, the hair with not a single strand unmanaged—has become for us unmistakably the personification of a







THE FIRST COUPLE IN MOMENTS OF TENDERNESS

#### HIS TIME MAN

As a people, we Filipinos revise our opinions of our leaders incessantly, and in the particular case of President Ferdinand Marcos our estimate of the man has oscillated all too often between praise and condemnation as to

often between praise and condemnation as to No man perhaps so dominates our times today or so ably gathers around himself the attention and passions of the body politic, as Mr. Marcos does today. This is not merely the accident of being Chief Executive (other men, say the late Carlos Gurcia and Diosdado Macapagal, serving in the same office, never national life) it is rather an extension of the mational life) it is rather an extension of the mational life) it is rather an extension of the mational life) it is rather an extension of the mational life) it is rather an extension of the mational directions and decisions. The familiar portrait of him sitting on a sofa in the Palace taken early in his first term—the somewhat round calim face at once genial and impervious, the stiff manly (military?)

posture, the hair with not a single strand unmanaged—has become for us unmistakably the personification of a strong will and pride of mind a thousand times more imposing than an army of militants.

It is indeed as a special instance, both of his people and of his chosen career in politics, that Mr. Marcos now presents himself to us. It would be difficult to name another political figure in recent years who has been subjected to the harsh give-and-take of criticism, analysis and speculation, as though to let him alone for just a second would be to miss the boat.

boat.

From the first, his assumption of the office of the Presidency had always been viewed with some reservation, largely because his early career as a soldier, lawyer, congressman and senator marked him as a man of drive, confidence and ability, a man who knew how to gain and wield power. No one doubted that he would be a strong President,

insurrection developing in cereatin tiess of the country.

Mr. Marcos, the most decorated Filipino soldier of World War II, said "someone must be resolute, someone must be firm, in protecting the integrity of the Republic."

"We have made the decision and come what may, we must meet the enemy. And as we have meet him in many other battles, we will survive and we will overcome them."

and although this did not libe too well with the Filipino's penchant for moderation in politics, it was welcome at a time when we were a little weary of Presidents who were weak-willed and easily bullied by Western diplomats and politicians. This combination of drive and contidence, aided by his sure grasp of the political game, made for an exciting and eventual first term in the Presidency. Here without question, was a man of action, and the activism was matched by an aura of glamor and elegance brought in by the redoubtable wife. Malacafang filred as it were with artists, musicians, businessmen, tiberals, radicals, prests, and the beautiful people all at the same time.

His reelection was inevitable. But the chimes of new anxieties among the population broke in and blurred the air of celebration. Early in 1970, the students marched and blood was shed. What never surfaced during the first four years—he response to crisis and violence—except in isolated and insignificant cases, now became the order of the day.

(Continued on page 4)

(Continued on page 4)

Figure 1. A copy of the newspaper.

Source: Patricio, Mario. 1971. "A Man of His Time." The Leader (Manila), September 11.

APPENDIX 5.2 A Man of His Time 595

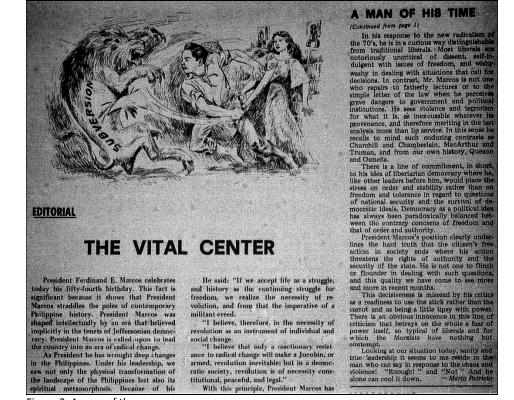


Figure 2. A copy of the newspaper.

Source: Patricio, Mario. 1971. "A Man of His Time." The Leader (Manila), September 11.

armed, revolution inevitable; but in a democratic society, revolution is of necessity constitutional, peaceful, and legal."

With this principle, President Marcos has

strong will and pride of mind a thousand times more imposing than an army of militants.

It is indeed as a special instance, both of his people and of his chosen career in politics, that Mr. Marcos now presents himself to us. It would be difficult to name another political figure in recent years who has been subjected to the harsh give-and-take of criticism, analysis and speculation, as though to let him alone for just a second would be to miss the boat.

From the first, his assumption of the office of the Presidency had always been viewed with some reservation, largely because his early career as a soldier, lawyer, congressman and senator marked him as a man of drive, confidence and ability, a man who knew how to gain and wield power. No one doubted that he would be a strong President, and although this did not jibe too well with the Filipino's penchant for moderation in politics, it was welcome at a time when we were a little weary of Presidents who were weak-willed and easily bullied by Western diplomats and politicians. This combination of drive and confidence, aided by his sure grasp of the political game, made for an exciting and eventful first term in the Presidency. Here without question, was a man of action, and the activism was matched by an aura of glamor and elegance brought in by his redoubtable wife. Malacañang flirted as it were with artists, musicians, businessmen, liberals, radicals, priests, and the beautiful people all at the same time.

His reelection was inevitable. But the chimes of new anxieties among the population broke in and blurred the air of celebration. Early in 1970, the students marched and blood was shed. What never surfaced during the first four years—his response to crisis and violence—except in isolated and insignificant cases, now became the order of the day.

In his response to the new radicalism of the 70's, he is in a curious way distinguishable from traditional liberals. Most liberals are notoriously uncritical of dissent, self-induldgent with issues of freedom, and wishy-washy in dealing with situations that call for decisions. In contrast, Mr. Marcos is not one who repairs to fatherly lectures or to the simple letter of the law when he perceives grave dangers to government and political institutions. He sees violence and terrorism for what it is, as inexcusable whatever its provenance, and therefore meriting in the last analysis more than lip service. In this sense he recalls to mind such enduring contrasts as Churchill and Chamberlain,

MacArthur and Truman, and from our own history, Quezon and Osmeña.

There is a line of commitment, in short, to his idea of libertarian democracy where he, like other leaders before him, would place the stress on order and stability rather than on freedom and tolerance in regard to questions of national security and the survival of democratic ideals. Democracy as a political idea has always been paradoxically balanced between the contrary concerns of freedom and that of order and authority.

President Marcos's position clearly underlines the hard truth that the citizen's free action in society ends where his action threatens the rights of authority and the security of the state. He is not one to flinch or flounder in dealing with such questions, and this quality we have come to see more and more in recent months.

This decisiveness is misread by his critics as a readiness to use the stick rather than the carrot and as being a little tipsy with power. There is an obvious innocence in this line of criticism that betrays on the whole a fear of power itself, so typical of liberals and for which the Marxists have nothing but contempt.

Looking at our situation today, sanity and true leadership it seems to me reside in the man who can say in response to the chaos and violence! "Enough!" and "No!" And he alone can cool it down.—Mario Patricio



#### APPENDIX 5.3

## Letter of Fr. Joaquin G. Bernas, SJ on the Barangay Brigade or Barangay Kawal, 22 May 1979

No document has thus far been found to corroborate this account of a cult-like rite wherein fealty is sworn to Ferdinand Marcos. However, knowing that there were eventually Marcos cults (allegedly organized by the military, see "Editors' Introduction" in this volume) and the centrality of the barangay to Marcos's political machinery, it is not farfetched that the reported rituals, or versions thereof, did take place.

#### Source

Sanidad, Arno V. 1979. "Facade Democracy." *Philippine Law Journal* 53:313-44. http://plj.upd.edu.ph/wp-content/uploads/plj/PLJ%20volume%2054/J%20Volume%2054%20Third%20Quarter/PLJ%20Volume%2054%20third%20Quarter%20-03%20Arno%20V.%20Sanidad%20%20Facade%20Democracy%20p.%20313-344.pdf.

1979] APPENIDX A 339

#### APPENDIX A \*

BARANGAY BRIGADE TRAINING MANUAL — April 3-7, 1979

[The May 25, 1979 issue of ICHTHYS carried a letter by Fr. Joaquin G. Bernas; SJ on the Barangay Brigade or Barangay Kawal. We are publishing here a copy of the Barangay Brigade Training Manual which demonstrates that the fears expressed in Fr. Bernas' letter are well based. For those of our readers who may not have seen this letter, we are republishing it here with the Manual. It would be good to consider the points for reflection raised in this letter after reading the Manual.]

Association of Major Religious Superiors of Men in the Philippines

Manila

May 22, 1979

TO: The Members of the Catholic Bishops Conference of the Philippines

The Major Religious Superiors of Men in the Philippines

The Major Religious Superiors of Women in the Philippines

Enclosed is a report on a recent development which might be affecting your territorial jurisdiction. Because of the significance of these reported developments, I have taken the liberty to send the report to you with the request for verification by your priests or religious or lay leaders and lay leaders and with the request for comment. I do this both in order to elert you about the human rights implications of the report and to solicit your guidance.

(Sgd.) JOAQUIN G. BERNAS, SJ Chairman Executive Board

<sup>\*</sup>ICHTHYS, Vol. II No. 29, July 27, 1979.

#### PHILIPPINE LAW JOURNAL

340

[VOL. 54

Since March of this year, reports from many parts of the Philippines, in connection with training seminars for the Barangay Brigades of the martial law regime, and specifically for the "Barangay Kawal" programme, have given many citizens cause for grave apprehension that there is probably a nationwide pattern of preparation for totalitarian rule, based on a personality cult of certain high officials of the martial law regime. These reports are from Nueva Ecija, Zambales, Pampanga, Laguna, Batangas, Iloilo City, Antique, Misamis Oriental, Iligan City and Zamboanga. The events they recount follow the same general pattern.

This pattern begins with an invitation to a four to five-day training seminar for Barangay Brigade leaders. Participation are recruited with varying degrees of pressure, often not too subtle, often accompanied by veiled threats in case of refusal.

During the seminar itself, nothing remarkable generally happens until the closing night. Before that there are the expected lectures and discussions, on nationalism, discipline, community involvement government programmes and the like, albeit strongly favoring the viewpoint of the New Society.

On the last night, however, the seminar takes on a new twist, an atmosphere of mystery and suspense. As the night deepens, the participants are blindfolded and led by circuitous and confusing routes for about 15 minutes, to another place of assembly. When their blindfolds are removed, they usually find themselves in a hall in which the only light comes from torches which flank a full-length picture of President Ferdinand E. Marcos. This picture is invariably of heroic, more than life-sized proportions, and is sometimes also accompanied by a picture of Mrs. Imelda Romualdez-Marcos, and sometimes also by that of the mayor of the locality. Often some flags or banners flank the picture or pictures. In the foreground there is a red-covered book of one of Mr. Marcos' writings, upon a decorated stand, together with some oath forms for signature. A human skull often completes the setting.

After a brief exhortation, touching on the greatness and benefits of the New Society and its exalted leader, a presiding officer then begins to inform the participants that they are being inducted into the Barangay Kawal. They are then told that as Barangay Kawal they will be sworn to defend with their lives and their total commitment, the "Supremo" and "Primer Ministro" of the New Society, Ferdinand E. Marcos. The participants are then enjoined to strict secrecy regarding the dramatic events of that night.

### 1979] APPENIDX A 341

Then follows a formal call for those who do not wish to take the oaths, to say. (All those reluctant to take the oaths were afraid to say so, in the occasions covered by our reports.) And so the oaths are administered — one of total commitment to the Supremo, and one to strict secrecy. Many participants at this point take the oath under duress, being afraid of the consequences of refusing, and being still in a state of disorientation from the suddenness of these developments.

The participants are then requested to affix their signatures to the oath forms or to the red-covered book of Mr. Marcos' writings, ostensibly so that they could be summoned to fulfill the obligations of the oath they have taken, whenever necessary. In some instances they are told to sign their names in their own blood, and many do so. Toward the end of the end of the ceremony, the participants take part in burning an effigy of the Old Society and its evils.

In all these reported seminars, local government officials, especially those at the Barangay level, were prominent in organizing and recruiting for the seminars. In a significant number of seminars reported, local Iglesia ni Kristo ministers and/or leaders were active in recruiting and staffing the seminars, and in exhorting and inducting the members of the Barangay Kawal.

It is improbable that these seminars are merely spontaneous local phenomena. The reports are too widespread and similar, indicating a deliberate government-sponsored or government-supported pattern or policy, probably nationwide in scope.

The terms of the oaths in these seminars far transcend the oaths to defend the Constitution and democratic rights and freedoms, and to tell the truth, to which we are used in a democratic political system. Instead, the oaths in these Barangay Kawal seminars and the setting in which they are held, convey the strong impression of a personality cult demanding absolute loyalty — a totalitarian propensity contrary to the spirit of the 1935 Constitution.

The active role of elements of a religious denomination in these seminars bears close watching. Does this indicate massive support by that denomination for the martial law regime? On what terms?

More significantly, we ask ourselves, do these reports indicate the beginnings of an attempt to set up a totalitarian regime, based on a personality cult of Mr. Marcos and his associates, with the complicity of a religious sect, and backed up by the Barangay Kawal acting as a paramilitary force, in conjunction with the regular Armed Forces?

342

#### PHILIPPINE LAW JOURNAL

[ VOL. 54

If the defense and promotion of human rights is already so risky and difficult under the present authoritarian government, how much more will it be under a totalitarian government, with all the forces of coercion and surveillance at its command?

In addition, is there here an attempt to establish a government-sponsored religion?

As Christians committed by the Gospel to the defense and promotion of human rights, ought we not to be more watchful, and take a strong stand now against any move towards deepening authoritarianism and especially towards totalitarianism?

Finally, and most importantly, what concretely do we do about these developments?



#### APPENDIX 5.4

## THE PRESIDENT'S PHYSIQUE



The President's physique draws executive admiration

"Malakas and Maganda" was not only restricted to portraits commissioned by Ferdinand and Imelda Marcos, or to sycophantic verses in works such as Ferdinand Marcos: An Epic (1974) by Guillermo C. de Vega and Imelda Marcos: A Tonal Epic (1975) by Alejandrino G. Hufana. In an otherwise straightforward document on the Philippine National Railways's accomplishments, one can find this captioned portrait of Philippine National Railways executives giddily looking at Ferdinand Marcos's shirtless physique.

Indeed, Marcos's identification with "Malakas" at times took a surreal/comical turn. Here's Donald Kirk reporting on Marcos in 1981: "The setting befit the tone of the Marcos presidency. Crowds swarmed for a chance to see the Hulk [Lou Ferrigno] and a bunch of Philippine weight-lifters and bodybuilders . . . . The Hulk came in,

talking in tough but genial condescension as security guards elbowed the throng aside. Then came Marcos . . . his guards tried to shoo me away, but I got close enough to chat briefly. He said he was a big fan of body-building . . . Marcos presided over the exhibition, praising the Hulk and the Filipino musclemen, saying how much he admired body-building, how he himself worked out daily. The atmosphere, Marcos on stage, surrounded by body-builders in briefs, flexing muscles, was hysterical, the stuff of satire" (2007, 56).

And these are all for show, indeed. For as his aide, Arturo Aruiza disclosed:

In 1968, he began suffering from hyperuricemia or high levels of uric acid in the blood, and was given a medicine called zyloprim. From 1964 to 1970, his haemoglobin levels continued to fluctuate sharply, and his renal condition turned for the worse. By 1979 he was having trouble with his blood pressure, registering alarming highs of 150–160 over 90–120. He showed signs of renal dysfunction: weakness, tremors, and anorexia.

The president's first hemodialysis was on September 24, 1979. This soon controlled his hypertension. His uremic conditions abated but he still showed the bothersome effects of dialysis, like itching, dryness of the mouth, weakness, congestion, and joint pains, especially in the right hip. He kept a full schedule, however, interrupted occasionally with emergency dialysis because of pulmonary infections.

He had other ailments.

His heart was not all that good, though he liked to boast he had a strong heart. He had cardiomyopathy, a disease of the muscular tissues of the heart, and biventricular dilations or enlargement of both ventricles of the heart. He suffered from chronic obstructive pulmonary disease and recurrent asthma. He had arteriosclerotic cardiovascular disease "with extensive calcification of the thoracic and abdominal aorta." He had chronic recurrent prostatitis and suffered from glucose intolerance.

But his principal ailment—what would kill him eventually—was his failing kidneys. (1991, 110)

#### References

Aruiza, Arturo C. 1991. Ferdinand E. Marcos: Malacañang to Makiki. Quezon City: ACAruiza Enterprises.

Kirk, Donald. 2007. "Memories of Marcos." In *Dateline Manila*, edited by the Foreign Correspondents Association of the Philippines, 55–60. Manila: Anvil Publishing, Inc.

Source

Philippine National Railways. 1978. Annual Report: Philippine National Railways '78. Manila: Philippine National Railways.



#### APPENDIX 5.5

# TIMELINE FROM THE MARCOS PRESIDENTIAL CENTER WEBSITE

The Marcos Presidential Center website (www.marcospresidentialcenter. com) was perhaps the first attempt of the Marcos camp at having a stable pro-Marcos online presence. It is now defunct, apparently downed by hackers (Japanese characters appear onscreen when one visits the site nowadays). Besides the straightorward enumeration reproduced here, the website also features a year-by-year "clickable" carousel version of the following timeline. One major factual error that stands out is in the entry for 1970—the Plaza Miranda bombing happened in 1971. An appropriate entry would be the killing of protestors at Mendiola Bridge on 30 January 1970. The text under 1986 is a typical loyalist description of the EDSA Revolution; an ouster becomes a voluntary sacrifice by a heroic leader. Other features of the website as of 2 August 2002 were an online poll ("Should the government allow the Marcoses to inter FM's body in the Libingan ng mga Bayani?"), an eight-entry bibliography consisting mostly of propaganda published during the Marcos regime, and a promise that the website will "have an online library of digital materials, such as video, audio, photographs, and printed materials documenting the life, work and family of the 6th President of the Republic of the Philippines." That promise was never fulfilled; pro-Marcos social media pages/channels became online repositories for various "Marcosiana."

Source

Marcos Presidential Center. 2002 "Home." Marcos Presidential Center. August 2. https://web.archive.org/web/20020802112603/http://www.marcospresidentialcenter.com.

"...it is therefore necessary for the entire society to move as one. "

MARCOS PRESIDENTIAL CENTER

HOME AT A GLANCE BIOGRAPHY FIRST FAMILY TIMELINE LEGACY BIBLIOGRAPHY









allow the Marcoses to nter FM's body in the

Libingan ng mga Bayani?

achievements.

<u>LIMELINE</u>



you. What else do you want We want to hear from to see and learn about Ferdinand Marcos? heard. Should the government

Let your voices be











Marcos Presidential Center. All Rights Reserved 2002 ®

#### 1965

Elected 6th president of the Republic, Ferdinand Edralin Marcos on his inauguration tells the Filipino people: "This Nation will be great again." To a nation in great turmoil, plagued by deepening social and economic problems and growing disenchantment with a weak and idle government, President Marcos unveils a national development program which promises a better life for the Filipino in the years to come.

#### 1966

Before a rapt audience at the historic Seven-Nation Summit in Manila, President Marcos proudly presents his first year accomplishments as president — a land reform program boldly being executed, a peace program for the nation's rebels, an anti-smuggling program that works, and determined efforts to punish grafters in his government.

#### 1967

Asked to join the United States war efforts in Vietnam, President Marcos, instead of sending combat troops, brings to the war-torn neighbor an engineering unit and medical teams for humanitarian work, then urges other Asian nations to exert efforts to restore peace in Indochina.

#### 1968

The Philippines under President Marcos's leadership makes a new thrust in foreign policy by taking bold first steps towards recognizing the socialist countries. At the same time, he liberalizes trade with the Free World and hastens industrialization efforts along with a massive infrastructure program in the countryside.

#### 1969

Marcos steps into his second term after winning handily in a national presidential election. Concerned with the growing communist movement in the country, President Marcos starts to develop a Citizen Army and modifies the Armed Forces work from pure military to socioeconomic efforts such as in school and road-building, flood control, and rural health.

#### 1970

Heinous bombing of a political opposition rally at Plaza Miranda forces President Marcos to suspend the writ of habeas corpus in the face of insurgent threats, even as he continues to improve the national economy, with GNP rising at 6 percent. The suspension of the writ, however, fails to stem the tide of rebellion spawned by decades of socioeconomic problems.

#### 1971

The Philippine economy continues to grow at unprecedented levels. GNP rises to an increase of 20.6 percent over that of 1970; gross domestic capital, exports of goods and services gained 10.2 percent while imports are lowered by 9.2 percent.

#### 1972

The nation's economic growth momentum is halted by a P2 billion damage caused by rains and floods of June-July-August. Worse, while the communist and Muslim rebellions are peaking, student and labor demonstrations, organized crime and vested interest unrest are paralyzing normal government and private business operations. On Sept. 22, President Marcos declares martial law all over the country and calls on the armed forces to quell the rebellions. At the same time, he announces the establishment of a new order in the society. Among the first decrees that he signs are the Agrarian Reform law, and those that provide for government reorganization to root out grafters, launching of new economic projects, and democratization at the barangay level.

#### 1973

President Marcos grants amnesty to every rebel who peacefully surrenders, and begins serious efforts to settle the grievances of rebels. To fight organized crime, the police are professionalized and integrated under a single command. Under this crisis government, though, laws are upheld and the military remains subordinate to civilian authority. The new Constitution of 1973 is ratified which provides sweeping reforms in the political system, restoring among other things, the power of the judiciary.

#### 1974

As the world-wide oil crisis deepens, the Philippines weathers its worst energy crisis yet and organizes its first solar and geothermal energy projects. The government launches a massive agricultural modernization progrm [sic] which allows credit liberalization, land redistribution, rural electrification, and more village infrastructure. Rice production leaps to 137 million cavans during the year, the highest in the country's history then. On the labor front, the landmark legislation, the New Labor Code, takes effect, protecting the rights, interests and welfare of the country's industrial and commercial workers.

#### 1975

International economic crises threaten to sweep away many of the gains in the New Society, as prices of crude have quadrupled. President Marcos boldly responds to the crisis with a policy of dynamic flexibility designed not only to stem the crisis but also to continue the country's rate of expansion and growth. Timely measures and sound economic management have resulted in increased production and supply of basic goods. Manufacturing rises by 6 percent and construction skyrockets to 40 percent as major government and private infrastructure projects are pushed vigorously. Agriculture goes up with the new rice and corn programs in place. Employment is at a peak performance, with a record 15.3 million fully employed, (compared to 12 million in 1973). A socialized pricing scheme to bring prices of basic goods keeps inflation down below 10 percent. At yearend, President Marcos has instituted a total crisis response system to meet any of the international economic crises.

#### 1976

Marcos takes historic visit to the Soviet Union to open diplomatic relations with the USSR, declaring the era of "special relations" with the U.S. has come to an end. Better yet, with the normalization of relations with the entire socialist world, President Marcos proclaims that on the issue of American bases in the Philippines, the extraterritorial rights must go. The heads of governments of the ASEAN sign in Bali, Indonesia the Treaty of Amity and Cooperation in Southeast Asia, ensuring closer ties between the Philippines and its Asian neighbors. President Marcos also attends UNCTAD conference in

Nairobi, Kenya, to state that the time has come for the dominant powers to end legacies of colonization in the Third World. President Marcos is known to be the strongest voice for the Third World. Following negotiations by the First Lady, Mrs. Imelda Romualdez Marcos, with Libyan President Khaddafi, the Tripoli Agreement that provides for the establishment of autonomous regions in Mindanao is signed with the Moro National Liberation Front.

#### 1977

President Marcos steps up the nation's resettlement program under the Agrarian Reform Code providing regional areas with more infrastructure, increased agricultural production, land titling, health and forest development. The "land for the landless" program opens up several resettlement areas in Mindanao. Significantly all tenanted sugar lands in the country are now listed under the expanded land reform program. President Marcos also launches the nationwide school-on-the-air program to educate barangay folk on farm and home technology, land reform, health and resources consideration.

#### 1978

In June, the unicameral national legislature composed of 160 elective members from all the 13 regions of the country, the Interim Batasang Pambansa, is inaugurated. Economic growth (5.8 percent in GNP) reaches more Filipinos, as the number of employed grows to 15.5 million, personal consumption expenditures rise to P52.3 billion. To ensure steady stream of productive opportunities, the new Ministry of Human Settlements under Mrs. Marcos embarks on nationwide livelihood projects.

## 1979

Amid unprecedented growth, the country's energy demands are expected to exact a heavy toll on the economy. To the amazement of other Asian nations, Marcos orders the launching of a massive energy program that is helped providentially by the discovery of an oil deposit site. Along with the development of more hydro-electric and steam power plants in many parts of the country, the President inaugurates the Philippine's first oil drilling site, in Palawan, and before the year ends, orders the commissioning of the Philippines' first nuclear power

plant in Luzon. The power plant, to be built in Bataan, is seen as a culmination of the fuel diversification program of the decade.

#### 1980

The election for Batasang Pambansa paves the way for the holding of local elections. Most of the winners in the nationwide polls belong to President Marcos's political party. The First Lady, Mrs. Imelda Romualdez Marcos, launches a nationwide shelter program called BLISS and steps up the operations of PAGIBIG Fund to provide affordable housing to ordinary citizens. Three-fourths of all towns all over the country are now energized, with about 10 million people directly served by electric cooperatives which have mushroomed in the countryside. The human settlement program identifies Metro Manila as the starting point to build satellite cities in outlying areas to decongest the capital metropolis.

#### 1981

On June 17, President Marcos issues a proclamation formally ending martial law. After winning an overwhelming victory in the June presidential election, he drops his prime minister's portfolio and hands it over to Finance Minister Cesar Virata. The lifting of martial law provides room for intense rivalry in the military, with Chief of Staff Gen. Fabian Ver being openly challenged by Defense Secretary Juan Ponce Enrile and Vice Chief of Staff Gen. Fidel Ramos.

#### 1982

The political opposition to President Marcos gets bolder and stronger with the lifting of martial law. In exile in the United States, opposition leader Benigno Aquino starts to plan his return to the Philippines even as his closest rival, Salvador Laurel, organizes his own party. President Marcos's health is at a critical point, and rumors of his incapacity to govern spread.

#### 1983

President Marcos orders the police and military to exercise maximum tolerance to the turbulence in the streets following the assassination of former Senator Benigno Aquino on his return to the country. Then he

creates a presidential commission to investigate and weigh all the evidence on the Aquino killing with absolute independence and impartiality. The Agrava Commission, whose members are of proven integrity, hears the case against a group of suspects belonging to the military.

#### 1984

The regular National Assembly composed by both Administration party members and the Opposition opens, replacing the Interim Batasang Pambansa. President Marcos, unfazed by the continued rioting by Aquino followers and the economic crisis that it causes, has restored fully the country's democratic system.

#### 1985

In December the Sandiganbayan acquits all the accused in the Benigno Aquino murder, including Gen. Fabian Ver, who was tagged as among its masterminds. The acquittal sparks more street demonstrations and protest in the media from the Opposition. Known leftist and rightist organizations join hands to stage mass rallies in the cities. The nation's economy sinks.

#### 1986

Following a tumultuous "snap" presidential election, the so-called EDSA revolution takes place in February. Faced with a choice between unleashing the military might to crush the crowds supporting the Enrile-Ramos "rebellion" on EDSA and exercising a statesman's restraint, President Marcos choose the latter. Eventually, to avert bloodshed, he gives up power and goes into forced exile in Hawaii.



#### APPENDIX 5.6

Excerpts from Agapita Trajano; Archimedes Trajano, Plaintiffs-Appellees, v. Ferdinand E. Marcos, Defendant, and Imee Marcos-Manotoc, Defendant-Appellant

The facts of this case are no longer in dispute, as far as U.S. courts are concerned. Imelda "Imee" Marcos-Manotoc, through forces under her control, caused the wrongful death of student Archimedes Trajano in 1977. It should be noted that these facts became undisputed because of Imee Marcos's default in 1986. In that year, the Marcoses successfully had the case dismissed on purely legal-i.e., jurisdictional-grounds. However, that same dismissal was reversed, specifically by Trajano v. Marcos, 878 F2d 1439, an unpublished disposition decided on 10 July 1989. Having opted not to challenge the facts stated by the plaintiffs, the defense strategy adopted by the Marcoses led to Imee's undoing. She tried to have the entry of default lifted in 1991 on the basis of insufficiency of service, but that attempt failed; had they not been adequately served in 1986, would the Marcoses have been able to file their defense? Despite the case having been decided with finality in the United States, it was not successfully enforced in the Philippines. Manotoc v. Court of Appeals, G.R. No. 130974, promulgated on 16 August 2006, written by Justice Presbitero Velasco, dismissed the civil case complaint that was meant to lead to the enforcement of the U.S. decision purely on technical grounds—i.e., once again, insufficiency of service.

No. 91-15891. D.C. No. CV-86-207-MLR OPINION

Appeal from the United States District Court for the District of Hawaii.

Manuel L. Real, District Judge, Presiding Argued and Submitted June 8, 1992—San Francisco, California 978 F.2d 493

116 A.L.R.Fed. 765, 61 USLW 2257

In re ESTATE OF FERDINAND E. MARCOS HUMAN RIGHTS LITIGATION.

Agapita TRAJANO; Archimedes Trajano, Plaintiffs-Appellees,

v.

Ferdinand E. MARCOS, Defendant,

and

Imee Marcos-Manotoc, Defendant-Appellant.

No. 91-15891.

United States Court of Appeals, Ninth Circuit.

Argued and Submitted June 8, 1992.

Decided Oct. 21, 1992.

Bernard J. Rothbaum, Jr., Linn & Helms, Oklahoma City, Okl. (argued the case), Donald C. Smaltz, Smaltz & Anderson, Los Angeles, Cal. (signed the briefs), for defendant-appellant.

Jon M. Van Dyke, Sherry P. Broder and Lillian Ramirez-Uy, Graulty, Ikeda & Ramirez-Uy, Honolulu, Hawaii, for plaintiffs-appellees.

Ellen Lutz, Los Angeles, Cal., for amicus curiae Human Rights Watch.

Harold Hongju Koh, New Haven, Conn., Michael Ratner, New York City, for amici curiae Allard K. Lowenstein Intern. Human Rights Clinic and the Center for Constitutional Rights.

Appeal from the United States District Court for the District of Hawaii.

Before BROWNING, PREGERSON and RYMER, Circuit Judges.

RYMER, Circuit Judge:

1

After former Philippine President Ferdinand Marcos and his daughter, Imee Marcos-Manotoc, fled to Hawaii in 1986, they were sued in federal court by Agapita Trajano, a citizen of the Philippines who then lived in Hawaii, for the torture and wrongful death of Trajano's son, Archimedes, in the Philippines on August 31, 1977.1 Marcos-Manotoc did

Figure 1. A copy of the case.

Source: United States Court of Appeals, Ninth Circuit. 1992. "Agapita TRAJANO; Archimedes Trajano, Plaintiffs-Appellees, v. Ferdinand E. MARCOS, Defendant, and Imee Marcos-Manotoc, Defendant-Appellant." No. 91-15891, D.C. No. CV-86-207-MLR.

APPENDIX 5.6 Trajano v. Marcos 617

Filed October 21, 1992

Before: James R. Browning, Harry Pregerson and Pamela Ann Rymer, Circuit Judges

#### **OPINION**

#### RYMER, Circuit Judge:

After former Philippine President Ferdinand Marcos and his daughter, Imee Marcos-Manotoc, fled to Hawaii in 1986, they were sued in federal court by Agapita Trajano, a citizen of the Philippines who then lived in Hawaii, for the torture and wrongful death of Trajano's son, Archimedes, in the Philippines on August 31, 1977. Marcos-Manotoc did not appear and a default judgment was entered against her. On appeal, she contends that the district court lacked subject-matter jurisdiction under the Alien Tort Statute, 28 U.S.C. § 1350, and that the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1602-11, does not authorize a federal court to assert jurisdiction, over actions taken by a foreign government against its own citizens. We have jurisdiction under 28 U.S.C. § 1291, and affirm.

#### I

In August of 1977, Ferdinand Marcos was President of the Philippines, Marcos-Manotoc was the National Chairman of the Kabataang Baranggay, and Fabian Ver was in charge of military intelligence. Archimedes Trajano was a student at the Mapua Institute of Technology. On the 31st of August, Trajano went to an open forum discussion at which Marcos-Manotoc was speaking. When Trajano asked a question about her appointment as director of an organization, he was kidnapped, interrogated, and tortured to death by military intelligence personnel who were acting under Ver's direction, pursuant to martial law declared by Marcos, and under the authority of Ver, Marcos, and Marcos-Manotoc. He was tortured and murdered for his political beliefs and activities. Marcos-Manotoc controlled the police and military intelligence personnel who tortured and murdered Trajano, knew they were taking him to be tortured, and caused Trajano's death.

In February of 1986, Marcos, Marcos-Manotoc, General Ver and others left the Philippines and arrived at Hickam Air Force Base in Hawaii. On March 20, 1986, Agapita Trajano filed her complaint in the United States District Court for the District of Hawaii.<sup>3</sup> The complaint seeks damages on behalf of the estate of Archimedes Trajano

for false imprisonment, kidnapping, wrongful death, and a deprivation of rights, and on behalf of Trajano's mother for emotional distress. Default was entered against Marcos-Manotoc on May 29, 1986. In 1991, she moved to set aside entry of default on the ground of insufficiency of service. The motion was denied and, after a damages hearing, judgment was entered based on the court's findings that Trajano was tortured and his death was caused by Marcos-Manotoc. The court concluded that this violation of fundamental human rights constitutes a tort in violation of the law of nations under 28 U.S.C. § 1350, and awarded damages of \$4.16 million and attorneys' fees pursuant to Philippine law.<sup>4</sup>

\*\*\*\*\*

There is no doubt, as the district court found, that causing Trajano's death was wrongful, and is a tort. Nor, in view of Marcos-Manotoc's default, is there any dispute that Trajano's death was caused by torture. And, as we have recently held, "it would be unthinkable to conclude other than that acts of official torture violate customary international law." Siderman de Blake v. Republic of Argentina, 965 F.2d 699, 717 (9th Cir.1992).

We believe, therefore, that Trajano's suit as an alien for the tort of wrongful death, committed by military intelligence officials through torture prohibited by the law of nations, is within the jurisdictional grant of § 1350.

Marcos-Manotoc argues, however, that the district court erred in assuming jurisdiction of a tort committed by a foreign state's agents against its nationals outside of the United States, and having no nexus to this country. If § 1350 were construed to confer jurisdiction under these circumstances, she asserts, it would exceed the constitutional limits on federal court jurisdiction under Article III of the Constitution. We disagree.

<sup>15</sup>Marcos-Manotoc does not contend that the actions alleged do not give rise to tort liability for wrongful death both in the Philippines and in Hawaii. Because the case comes to us after entry of a default judgment, and she does not appeal the district court's award of damages pursuant to Philippine law, we have no call to decide issues pertaining to choice of law.

\*\*\*\*\*

#### IV

At most, Marcos-Manotoc argues, the district court had jurisdiction under § 1350 to determine whether Trajano had a separate, substantive

APPENDIX 5.6 Trajano v. Marcos 619

cause of action; none exists, she contends, because neither the treaties set out in the complaint nor the law of nations provides a private cause of action.<sup>22</sup> Thus, to the extent the court's decision relies upon either treaties or international law, Marcos-Manotoc submits it is erroneous.

The district court in fact agreed with Marcos-Manotoc that § 1350 is simply a jurisdictional statute and creates no cause of action itself. It proceeded to determine damages on default under Philippine law. From this we assume that the court did not rely on treaties or international law to provide the cause of action, only to establish federal jurisdiction. Indeed, the complaint alleges that Trajano's claims arise under wrongful death statutes, as well as international law. Since Marcos-Manotoc's appeal is only to the extent the district court founded Trajano's right to sue on treaties or the law of nations, it lacks merit because the tort is admitted. That it was committed in violation of international law supplies the jurisdictional key to federal court under § 1350. We cannot say the district court erred.

The district court's approach comports with the view that the First Congress enacted the predecessor to § 1350 to provide a federal forum for transitory torts (a tort action which follows the tortfeasor wherever he goes), see Filartiga, 630 F.2d at 885 (tracing transitory tort doctrine to 1774 decision of Lord Mansfield), whenever such actions implicate the foreign relations of the United States. See Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 427 n. 25, 84 S.Ct. 923, 940 n. 25, 11 L.Ed.2d 804 (1964) (citing § 1350 as example of congressional intent to make claims implicating foreign affairs cognizable in federal courts); Tel-Oren, 726 F.2d at 790 (Edwards, J., concurring) ("As best we can tell, the aim of section 1350 was to place in federal court actions potentially implicating foreign affairs. The intent was not to provide a forum that otherwise would not exist ... but to provide an alternative forum to state courts."). The district court's approach also allows the "law of nations" and "treaty" prongs of § 1350 to be treated consistently, in that the cause of action comes from municipal tort law and not from the law of nations or treaties of the United States. This avoids the anomalous result which troubled Judge Bork in Tel-Oren, that whereas Filartiga found a private right of action by implying it from principles of international law, no private cause of action can ever be implied from a non-self-executing treaty. See Tel-Oren, 726 F.2d at 820 (Bork, I., concurring).

For these reasons we affirm the judgment in Trajano's favor. Her suit as an alien against Marcos-Manotoc for having caused the wrongful death of her son, by official torture in violation of a *jus cogens* norm of

international law, properly invokes the subject-matter jurisdiction of the federal courts under § 1350.

AFFIRMED.

<sup>22</sup>Because Congress passed the Torture Victim Protection Act, supra n. 18, after the district court's decision, we have no occasion to consider its applicability to the present case.

#### **Notes**

- This appeal pertains only to the action against Marcos-Manotoc. Several amici
  appear in support of Trajano: the Allard K. Lowenstein International Human
  Rights Clinic, the Center for Constitutional Rights, and Human Rights Watch.
  The United States filed a brief as amicus curiae in connection with an earlier
  appeal from an order dismissing the action against Ferdinand Marcos on act of
  state grounds; the brief covers the issues raised in Marcos-Manotoc's appeal and we
  have considered it as well.
- Marcos-Manotoc also argues that the action is time-barred by the two-year Hawaii statute of limitations, Haw.Rev.Stat. § 657-7, but this is an affirmative defense which was waived by virtue of her default. Because the statute of limitations is not jurisdictional, we do not consider this issue. See United States v. DeTar, 832 F.2d 1110, 1114 (9th Cir. 1987).
  - In her reply brief, Marcos-Manotoc claims that the district court did not have personal jurisdiction over her because she was not properly served. The district court found to the contrary. Because this issue was raised for the first time in her reply brief, Marcos-Manotoc has waived this issue as well. See Nevada v. Watkins, 914 F.2d 1545, 1560 (9th Cir.1990), cert. denied, 111 S.Ct. 1105, (1991).
- 3. Marcos moved to dismiss on act of state grounds, and the district court's order granting that motion was reversed on appeal in light of our intervening decision in Republic of the Philippines v. Marcos, 862 F.2d 1355, 1360-61 (9th Cir.1988) (en banc) (civil RICO action brought by the Philippines against Marcos not barred by act of state doctrine), cert. denied, 490 U.S. 1035, 109 S.Ct. 1933, 104 L.Ed.2d 404 (1989). See Trajano v. Marcos, 878 F.2d 1439 (9th Cir.1989). The Judicial Panel on Multidistrict Litigation then consolidated two other actions against Marcos in the District of Hawaii and two actions in the Northern District of California, and assigned them to the Honorable Manuel L. Real, sitting pursuant to an intracircuit assignment under 28 U.S.C. § 292(b). The four actions consolidated with Trajano's are not before us at this time.
- 4. The district court awarded the estate of Archimedes Trajano \$236,000 for lost earnings pursuant to Article 2206(1) of the Philippine Civil Code; \$175,000 for moral damages including physical suffering, mental anguish, fright, bodily injury, and wrongful death pursuant to Articles 2217, 2204, and 2206 of the Philippine Civil Code; awarded Agapita Trajano \$1,250,000 for mental anguish pursuant to Article 2206(3) of the Philippine Civil Code; and awarded both Mrs. Trajano and the estate \$2,500,000 in punitive damages pursuant to Articles 2229 and 2231 of the Philippine Civil Code, as well as \$246,966.99 in costs and attorneys' fees pursuant to Article 2208(1), (5), (9), and (11) of the Code.



#### APPENDIX 5.7

## PROIECT COMPLETION REPORT: PHILIPPINE NATIONAL RAILWAYS

Unexplored in the literature on Marcos supporters is the apparent overlap between many Philippine railway workers and enthusiasts and Marcos loyalists. This can be linked to a perception that Marcos had done more for railway transportation in the country than any post-Second World War president before him. After all, it was during his regime that the first line of the country's light railway transit (LRT) system was built (on the back of enormous foreign loans, of course). However, this excerpt from a project completion report, requested from the Asian Development Bank, shows that the PNR's decline started well within the Marcos regime, probably not coincidentally while another railway project, the LRT, was being built.

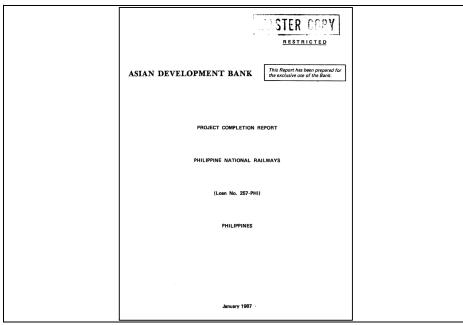


Figure 1. Cover page.

Source: Banerjee, R. K., and J. Spurr. 1987. Project Completion Report: Philippine National Railways (Loan No. 257-PHI). World Bank.

## ( ii )

## BASIC DATA

A.	Loan Iden	tification	
	1.	Country Loan Number Project Title Borrower	Philippines 257 Philippine National Railways Government of Philippines Philippine National Railways \$24.2 million
в.	Loan Data	<u>.</u>	
	1.	Appraisal - Date Started - Date Completed	15 September 1975 17 October 1975
	2.	Loan Negotiations - Date Started - Date Completed	26 February 1976 26 February 1976
	3.	Date of Board Approval	25 March 1976
	4.	Date of Loan Signing	29 March 1976
	5.	Date of Loan Effectiveness  - In Loan Agreement  - Actual  - Number of Extensions	28 June 1976 28 June 1976 None
	6.	Closing Date - In Loan Agreement - Actual - Number of Extensions	30 June 1981 30 June 1982 Two
	7.	Terms of Loan  Interest Rate  Maturity (number of years)  Grace Period (no. of years)	8.75 per cent 20 5
	8.	Terms of Re-lending (if any)  - Interest Rate  - Maturity (number of years)  - Grace Period  - Second Step Borrower	8.75 per cent 20 5
	9.	Disbursements - Date of Initial Disbursement - Date of Final Disbursement - Amount Disbursed - Amount Cancelled	January 1977 November 1985 \$24,200,000 Nil
	10.	Local Costs (Bank-Financed) - Amount (US Dollars) - Percentage of Local Costs - Percentage of Total Cost	- - -

#### I. SUMMARY

- 1. The Project, approved in March 1976, comprised rehabilitation of track and bridges on the South Line of the Philippine National Railways (PNR) between Manila and Legaspi, rehabilitation of telecommunication systems, procurement of maintenance equipment and consultant services for Project implementation and institutional improvement. The Project's goal was to reestablish PNR's operational and financial viability and to help realize PNR's due economic intermodal share of traffic in the Bicol corridor. Of the Project's assessed cost of \$37.13 million, made up of foreign exchange cost \$20.42 million, interest during construction (IDC) \$3.78 million, and local cost \$12.93 million, both the foreign exchange cost and IDC were to be met by the Bank Loan of \$24.20 million. The local cost was to be met primarily from the Government's equity contribution and to a lesser extent from PNR's internally generated resources.
- 2. Despite an overrun of six years by June 1986, the Project was still only 75 per cent complete. The Bank Loan has been fully disbursed. While there has been no overrun in foreign costs, a 135 per cent overrun on total costs (in \$ terms) is foreseen. This has mainly been caused by Project delays and the impact of inflation on local costs. The Bank-financed components were procured with delays of one to two years though the quality of those components was satisfactory. PNR-financed procurement suffered from both serious delays and poor quality. Inadequate fund release by the Government, especially since 1982, caused much of the delay and the consequent cost overrun. A loss of \$37 million was the result of poor control over procurement of Government-financed ballast and sleepers. Unsound decisions by the PNR board contrary to the advice of the consultants and inadequate exercise of professionalism by PNR staff appear to have caused the loss.
- 3. Since PNR has not implemented a majority of the consultants' recommendations, operations have seriously declined and fundamental weaknesses remain. Indeed, services are likely to collapse unless a massive rescue effort is made. Government short-term bailing out operations have failed to resolve problems that have become so deep rooted that even well-chosen investments will not solve them until adequate technical and organizational competence is re-established. However, although PNR has become a burden on the economy, the economic and social advantages of railway operation in the Bicol region, much of which is serviced by no other mode, suggest that Government should urgently decide on a long-term railway policy which should be implemented with appropriate inputs.
- 4. The EIRR for the Project is negative vis-a-vis the Appraisal forecast of 17.7 per cent. Given appropriate operational and institution building inputs and substantial additional investment support on a selective basis, a 8.5 per cent EIRR can be expected.

Notwithstanding the incomplete status of the Project, the Management considered that preparation of this Project Completion Report should proceed.



#### APPENDIX 5.8

#### OFW Remittances: Executive Orders No. 857 and 1021

If the Philippine economy was in excellent condition prior to the Aquino assassination in 1983, why would Marcos mandate, in December 1982, the remittance, solely through government-approved channels, of 50–70 percent of earnings by overseas contract workers (OCWs), heavily penalizing those who did not comply? Marcos eventually repealed the punitive provisions of this order on 1 May 1985 (Labor Day) via Executive Order 1021, which also created an "Inter-Agency Committee on Contract Workers Remittances" that was tasked to "design, adopt, [and] implement a package of incentives to reward workers who remit through official channels"; Marcos did not overturn E.O. 857 because OCW remittances had become unnecessary, but because he thought the country needed those remittances more than ever, such that he shifted from punishment to an ill-defined carrot-and-stick approach.

# EXECUTIVE ORDER NO. 857, s. 1982 GOVERNING THE REMITTANCE TO THE PHILIPPINES OF FOREIGN EXCHANGE EARNINGS OF FILIPINO WORKERS ABROAD AND FOR OTHER PURPOSES

Signed on December 13, 1982

WHEREAS, existing laws and regulations governing remittances of foreign exchange earnings of overseas Filipino workers to their families, dependents and/or beneficiaries have not been fully effective in ensuring that they are coursed through official financial institutions of the Philippine Government of their authorized agents;

WHEREAS, it is necessary to protect the welfare of families, dependents and beneficiaries of Filipino workers abroad and to ensure that the foreign exchange earnings of these workers are remitted through authorized financial institutions of the Philippine Government in line with the country's economic development program;



# Executive Order No. 857, s. 1982

Signed on December 13, 1982

#### MALACAÑANG MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 857

GOVERNING THE REMITTANCE TO THE PHILIPPINES OF FOREIGN EXCHANGE EARNINGS OF FILIPINO WORKERS ABROAD AND FOR OTHER PURPOSES

WHEREAS, existing laws and regulations governing remittances of foreign exchange earnings of overseas Filipino workers to their families, dependents and/or beneficiaries have not been fully effective in ensuring that they are coursed through official financial institutions of the Philippine Government of their authorized agents;

#### Figure 1. A screenshot from the Official Gazette.

Source: President of the Philippines. 1982. "Executive Order No. 857, s. 1982, Governing the Remittance to the Philippines of Foreign Exchange Earnings of Filipino Workers Abroad and for Other Purposes." Republic of the Philippines.

http://www.officialgazette.gov.ph/1982/12/13/executive-order-no-857-s-1982.



# Executive Order No. 1021, s. 1985

Signed on May 1, 1985

#### MALACAÑANG MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 1021

#### ON ENCOURAGING THE INWARD REMITTANCES OF CONTRACT WORKERS EARNINGS THROUGH OFFICIAL CHANNELS

WHEREAS, Filipino contract workers overseas have by way of the inward remittance of their earnings through the years contributed tremendously to the stabilization of the national economy;

WHEREAS, this contribution of workers to the economy can be further maximized if a lot more can be encouraged to effect the inward remittance of their earnings through official channels;

#### Figure 2. A screenshot from the Official Gazette.

Source: President of the Philippines. 1985. "Executive Order No. 1021, s. 1985, On Encouraging the Inward Remittances of Contract Workers Earnings Through Official Channels." Republic of the Philippines. http://www.officialgazette.gov.ph/1985/05/01/executive-order-no-1021-s-1985.

APPENDIX 5.8 OFW REMITTANCES 627

WHEREAS, non-compliance with these aforesaid laws and regulations and recourse to the use of unauthorized and unofficial financing institutions has led to the detriment of the country's balance of payments and economic development program;

WHEREAS, it is imperative that the mandatory remittance requirement be fully complied with by all concerned through the institution of appropriate remittance facilities and the imposition of effective sanctions;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and promulgate:

SECTION 1. It shall be mandatory for every Filipino contract worker abroad to remit regularly a portion of his foreign exchange earnings to his beneficiary in the Philippines through the Philippine banking system. Licensed agencies and other entities authorized by the Ministry of Labor and Employment to recruit Filipino workers for overseas employment are similarly required to remit their workers' earnings as provided for in this Order.

SECTION 2. All contracts of employment and agency or service agreements submitted to the Ministry of Labor and Employment shall contain a proviso that shall make it mandatory for workers to remit to the Philippines in foreign exchange at least the following portions of their earnings:

- a) Seamen or mariners: Seventy (70) percent of basic salary;
- b) Workers of Filipino contractors and construction companies: Seventy (70) percent of basic salary;
- c) Doctors, engineers, teachers, nurses and other professional workers whose contract provide for free board and lodging: Seventy (70) percent of basic salary;
- d) All other professional workers whose employment contracts do not provide for free board and lodging facilities: Fifty (50) percent of basic salary;
- e) Domestic and other service workers: Fifty (50) percent of basic salary;
- f) All other workers not falling under the aforementioned categories: Fifty (50) percent of basic salary.

SECTION 3. Passports issued to Filipino contract workers shall have an initial period of validity of one year provided that the Ministry of Foreign Affairs may adjust, as circumstances may require, the initial passport validity period. The passport shall be renewable every year upon submission of usual requirements and presentation of documentary proof of compliance to the remittance requirement in the percentages provided for in this Order. The Ministry of Foreign Affairs shall not extend or renew the passport of any contract worker unless proof of his compliance with the mandatory remittance requirement is submitted.

SECTION 4. The Ministry of Labor and Employment shall not approve the renewal of employment contracts and agency or service agreements unless proof of remittance of foreign exchange earnings is submitted.

SECTION 5. For purposes of this Order, proof of compliance with the mandatory remittance requirement as mentioned in Section 1 hereof, may consist of any of the following documents or such alternative as may be approved by the Central Bank of the Philippines showing that the contract worker had in fact effected aforesaid remittance and had caused the surrender of the same for pesos through the Philippine banking system:

- a. Confirmed bank (foreign) remittance form;
- b. Certification from employer, duly authenticated, that remittance has been effected;
- c. Certification as to the surrender for pesos to the Philippine banking system; and
- d. Receipt of International Postal Money Order.

SECTION 6. Remittances of foreign exchange earnings may be undertaken individually by the contract worker or collectively through the employer under a payroll deduction scheme, in accordance with Central Bank regulations and applicable guidelines.

SECTION 7. As a prerequisite for accreditation by the Ministry of Labor and Employment, an employer shall commit to provide facilities to effect the remittances and monitoring of foreign exchange earnings of Filipino workers in his employ.

SECTION 8. The Central Bank of the Philippines shall cause necessary arrangements to be made with the appropriate financing institutions to handle the remittances called for in this Order. In the

APPENDIX 5.8 OFW REMITTANCES 629

absence of appropriate banking facilities, the Embassy or Consulate nearest to the job site, in accordance with local laws and regulations, may act in the interim as the channel for remittance of foreign exchange earnings. The Ministry of Foreign Affairs shall immediately inform the Central Bank of the Philippines these arrangements and shall remit all funds thereto.

SECTION 9. Contract workers who fail to comply with the requirements of this Order shall be suspended or excluded from the list of eligible workers for overseas employment. In cases of subsequent violations, he shall be repatriated from the job site at the expense of the employer or at his expense, as the case may be.

Filipino or foreign employers and/or their representatives who fail to comply with the requirements under this Order shall be excluded from the overseas employment program. In the case of local private employment agencies and entities, failure to comply with the provisions hereof shall be a ground for cancellation of their license or authority to recruit workers for overseas employment, without prejudice to their liabilities under existing laws and regulations.

SECTION 10. The Ministries of Labor and Employment and Foreign Affairs and the Central Bank of the Philippines shall draw up the necessary rules and procedures for the proper implementation of this Order within ten (10) days from the signing hereof.

SECTION 11. All provisions of existing orders, rules and regulations inconsistent herewith are hereby repealed.

SECTION 12. This Order shall take effect thirty (30) days after the promulgation of implementing rules and procedures.

Done in the City of Manila, this 13th day of December, in the year of our Lord, Nineteen Hundred and Eighty Two.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) JUAN C. TUVERA Presidential Executive Assistant

# EXECUTIVE ORDER No. 1021, s. 1985 On Encouraging the Inward Remittances of Contract Workers Earnings Through Official Channels

Signed on May 1, 1985

WHEREAS, Filipino contract workers overseas have by way of the inward remittance of their earnings through the years contributed tremendously to the stabilization of the national economy;

WHEREAS, this contribution of workers to the economy can be further maximized if a lot more can be encouraged to effect the inward remittance of their earnings through official channels;

WHEREAS, government recognizes this contribution of overseas contract workers and should therefore reward them through a package of incentives;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

- 1. The repeal of the punitive provisions of Executive Order No. 857:
- 2. The creation of an Inter-Agency Committee on Contract Workers Remittances to be composed of representatives from the Ministry of Labor and Employment, Ministry of Foreign Affairs, the Central Bank of the Philippines, the Bankers Association of the Philippines and a workers representative who shall be nominated by the Minister of Labor and Employment. The Committee shall immediately design, adopt and, with the concurrence of the Minister of Labor and Employment, the Minister of Foreign Affairs and the Governor of the Central Bank, implement a package of incentives to reward workers who remit through official channels.

The Central Bank shall provide the Committee with Secretariat services.

3. The Committee shall also study the institutionalization of a payroll system for foreign employers employing twenty five (25) or more workers. The payroll system shall include an incentive plan for employers or their local agencies.

APPENDIX 5.8 OFW REMITTANCES 631

4. The Committee shall also study the legalization of the money couriers system and make its recommendation to the Monetary Board in this regard.

5. The Ministry of Labor and Employment, the Ministry of Foreign Affairs and the Central Bank of the Philippines shall together issue the corresponding implementing rules within 45 days from issuance thereof.

Done in the City of Manila this First Day of May, 1985.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) JUAN C. TUVERA Presidential Executive Assistant



#### **APPENDIX 5.9**

# EXCERPTS FROM "THE PEACE AND ORDER SITUATION" BY FIDEL V. RAMOS, 28 MARCH 1980

This excerpt from a speech made by then Philippine Constabulary chief Fidel V. Ramos shows, unequivocally, that the country's crime rate actually returned to pre-martial law levels well before the "lifting" of martial law in January 1981 (Ramos 1980, 241–46).

The Integrated National Police which has the Philippine Constabulary as its parent organization during this transition period, has also contributed substantially to the attainment of better peace and order conditions. An analysis of the crime trends for the past nine years starting in 1971 shows that while there have been, and continue to be many problem areas, there are also many bright spots. In 1971 we recorded a national crime volume of about 93,000 incidents, when we had a population of some 37.9M. At the end of last year, 1979, some 118,000 incidents were reported for a population of about 26% and an increase in crime volume of about the same rate. You see what happened in between 1971-1979. During the early days of martial law when we had a very strict version of martial law, crime incidence was not substantial, as for instance, in 1975. But crime had slowly gone up when we started normalizing. Of course, this is not to blame normalization. We are all in favor of normalization. About this time (1976) also, we started getting the economic squeeze due to higher costs of energy. Maybe that is a more important factor to consider, because this was not immediately accompanied by a rise in wages or a rise in income for the great majority of our people including those in government and those in the labor groups.

We could get a more meaningful analysis using what we term the "crime rate," which is the number of crimes divided by unit of population per period of time. We use 100,000 as the unit of population and we use one month as the period of time. Thus, we can compare various periods according to a common yardstick and that is

# THE PEACE AND ORDER SITUATION

by General Fidel Ramos (March 28, 1980)

consider it a welcome opportunity to be able to present a subject that has been interpreted in many ways and viewed by observers along various aspects. It can be said that the oversensationalized reporting of crimes specially here in Metro Manila has given rise to extreme views regarding the peace and order situation and that it has alarmingly deteriorated. Permit me to say that there should be no cause for alarm, especially on the part of the business community.

Let me tell you also that martial law has been an effective weapon in the crisis situations facing us and has been instrumental in maintaining our stable situation today. Our economic problems, for instance, could have escalated to much graver propor-

Figure 1. A copy of the speech.

*Source:* Ramos, Fidel. 1980. "The Peace and Order Situation." In *Not By Bread Alone*, ed. Pacifico A. Ortiz, 241-46. Manila: Bishops-Businessmen's Conference.

the average crime rate per month. In 1971 we had an average crime rate of about 20.55 criminal incidents per month for a unit of a 100,000 population which was high enough although this is about 1/3 the crime rate in other countries of the same developmental stage as we are. We experienced very low crime rate figures in 1973-1976, but then they started going up again. Now in 1980 we are again at the level of the 1971. Crime rate (and the trend) is still slightly increasing. We have predicted that this might even increase by about 4% to 8% in 1980. This chart will show what I was just telling you now. In 1971 we had a crime rate of 20.55 incidents per month per 100,000 population. We are now here (1980) at 20.74 or about 1% increase over 1971. Also, we see an increase in what we call the index crimes, which are those major crimes which occur in sufficient frequency and which are capable of being analyzed according to a pattern. These index crimes have also gone up by about 13% in 1979 compared to 1971. Let's take a look at those index crimes. These are the crimes against chastity, persons and property. Theft went up by about 21% in 1979 compared to 1971. Physical injuries have gone up by 118% compared to 1971 and homicide has gone up by about 2%. However, it will be shown that these figures are high because the crime of slight physical injuries has increased very much.

Apparently, people like to quarrel more in 1979. But it is equally true that the crime of serious physical injuries has gone down, which could mean that maybe firearms and other deadly weapons are not being used as much. Maybe people just engaged in fistcuffs [sic]. Robbery went down by about 21% by 1979 and murder down by about 10%. Rape significantly went down by 16%. I do not know if this a sad commentary on the Filipino male.

This chart shows the number of crimes committed with the use of firearms. During the old cowboy days of 1971, some 13% of the total crime volume of 93,000 mentioned earlier for 1971 were committed with the use of firearms. During martial law, the authorities collected some 550,000 illegally possessed or otherwise loose firearms in this country. The beneficial result of this campaign therefore, is reflected in our crime statistics. There is now a much reduced volume of crimes committed with the use of a firearm. Of course, this also means that criminals have, resorted to the use of other weapons such as blunt instruments, explosives, etc. Anyway, all of these show that, in spite of the efforts of the authorities, there is a trend for the increase of the crime rate.



#### APPENDIX 5.10

# WILLIAM SAUNDERS AND JANE RYAN

The following are contracts signed by Ferdinand Marcos and Imelda Marcos with Swiss Credit Bank. They prove the Marcoses' use of pseudonyms-William Saunders for Ferdinand, Jane Ryan for Imeldafor their Swiss bank accounts. Also of interest are two details. First, both contracts were executed in early 1968—within Marcos's first term (also during the minority of their children). Second is the specification in both that communications be forwarded "in double envelope" to "Antonio Martinez, P.O. Box 4539, Manila." When one looks up "Antonio Martinez" and "Ferdinand/Imelda Marcos" online, among the results that come up is an investigative piece ("The Marcoses Never Really Left Home," by Raissa Robles, 1 October 2014) that discusses the acquittal of Imelda Marcos from the charge of violating the Anti-Graft and Corrupt Practices Act (see Marcos v. Sandiganbayan, G.R. No. 126995). Among the justices who voted for acquittal was Antonio M. Martinez. However, this may be a coincidence; nobody who has seen these documents and written about them appears to have tried to determine who Antonio Martinez is—if that is his real name.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 66, File Nos. 0722–24 and 0784–86.

# SWISS CREDIT BANK CRÉDIT SUISSE - SCHWEIZERISCHE KREDITANSTALT - CREDITO SVIZZERO

#### HEAD OFFICE IN ZURICH ESTABLISHED 1855

#### CONTRACT

for the opening of a current account and / or safe custody account

Jane Ayan (pruedoryon) Joseph Romaldy Marin (true name)

hereinafter called "Depositors"

on the one side

and

#### SWISS CREDIT BANK

hereinafter called "Bank"

on the other side

the following agreement has been concluded:

#### 1. Current Account(s)

The Depositors remit to the Bank funds for credit to current account(s) to be opened in the name of

seid account(s) to be subject to the terms and conditions communicated by letter.

#### 2. Safe Custody Account

If the Depositors, at the same time or later, deliver to the Bank securities or other valuables for safe custody, these items are to be placed into a safe custody account carried in the same name as the current account(s).

#### 3. Accounting

In the absence of instructions to the contrary, transactions executed on behalf of the Depositors will be passed over the current account(s) referred to under cipher 1; the same account(s) to be credited also with the income derived from securities lodged in safe custody, as well as with all remittances received in favour of the Depositors in other currencies, provided the conversion is possible.

#### 4. More than one Depositor

In the case of two or more Depositors they enjoy the rights of joint creditors within the meaning of Art. 150 of the Swiss Federal Code of Obligations.

Consequently, each Depositor is entitled, individually and independently from the other(s),

- a) to dispose of the cash funds in the current account(s) in whole or in part,
- b) to operate the safe custody account on his sole signature, namely to place accurities and other valuables into, to withdraw all or part of the securities or other valuables from the safe custody account, to pledge

The right to act individually and independently will continue in the event of death, or loss of capacity to act of one of the Depositors. The Bank, when fulfilling its obligations towards one of the Depositors, is legally released towards all of them.

Each Depositor may confer power of attorney on any third person or persons who will then be entitled to act as agent or agents for all Depositors.

Provided no other instructions are given, all remittances, securities or valuables received by the Bank in favour of one of the joint Depositors will be-credited to the current account(s) or placed into the safe custody account referred to under ciphers 1 and 2.

In case the Depositors are husband and wife they authorize each other to dispose individually and without any restrictions of the cash funds in the current account(s), and/or of the securities or other valuables lodged in safe custody.

The wife, in particular, approves also all actions of her husband that exceed the ordinary administration of the matrimonial property.

	spondence	

The correspondence and state \( \bar{\text{\tiny{\text{\tinx{\text{\tinx{\text{\texicr{\text{\texicr{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\text{\texi}\text{\text{\text{\text{\texitex{\text{\texit{\text{\texit{\texit{\texi{\texi{\texicl{\texi{\texi}\texititt{\texi{\texi{\texit{\texi{\texi{\texi{\texi{\texic	ments pertaining to the ne following address:	current account(s) and/or s	afe custody account are P.O. Box 4539
to be retained by the Bank			Manila
upon special request	quarterly	half-yearly	yearly
to be mailed to:			

The correspondence mailed, and/or retained, by the Bank in accordance with the above instructions shall be deemed to have been duly delivered to the Depositors who assume full responsibility for any consequences and possible damages that might occur due to the mailing, and/or retaining, of the correspondence in the prescribed manner.

The Bank has no obligations whatsoever to take any action with regard to the administration of the holdings of the Depositors unless specific instructions are given to this effect by the latter.

Correspondence not collected by the customer will be destroyed by the bank 10 years after its date of lesue.

#### 6. "General Conditions" and "Regulations"

Moreover, all mutual rights and duties resulting from this Contract, as well as all questions regarding jurisdiction and the law applicable to this Contract, are subject to the Bank's

- "General Conditions"
- "Regulations for the safekeeping of securities and other valuables", together with the "Schedule of Safekeeping Fees",

as per printed copies attached, which form part of the present Contract.

#### 7. Special Arrangements

Form # 5

211

Narch 1968

. . 🔏

The Described

· · · · ·

Mark your instructions by X

No. 136 / 6 12.07

SWISSE SCHWEIZERISCHE KREDITANSTALT CREDITO SVIZE	Declaration / Specimen signature (s)	unt and / or safekseping-account opened in the name(s) of	confirm(s) the receipt from the Swiss Credit Bank of a copy each of the «General Conditions» and «Regulations» relating to the safekeeping of securities and other valuables», with the contents of which he/she/ they is/are in agreement, especially with the clause on Applicable Law and Legal Domicile (Article 14). In his/her/their dealings with the Swiss Credit Bank he/she/they will sign as follows:	Signature(s):	Enelde Bromafle Mun (m)	James Mylan ( Jahrelle Mylan)
SWISS CREDIT SUISSE - SCHWEIZERISCHE	Declaration / Spe	The undersigned, holder(s) of the current-account and / or safekseping-account opened in the name(s)	confirm(s) the receipt from the Swiss Credit Bank of a copy each of the «General Cenditions» and lations relating to the safekceping of securities and other valuables», with the contents of which they is/are in agreement, especially with the clause on Applicable Law and Legal Domicile (Article 14) in his/her/their dealings with the Swiss Credit Bank he/she/they will sign as follows:	Country of residence:	Nationality:	Ches and series

# SWISS CREDIT BANK

# HEAD OFFICE IN ZURICH

#### CONTRACT

for the opening of a current account and / or safe custody account

WILLIAM SAUNDERS (Pseudonya)
FERDINAND E. MARCOS (True hame)
Depositor(s)

hereinafter called "Depositors"

and

on the one side

#### SWISS CREDIT BANK

hereinafter called "Bank"

on the other side

the following agreement has been concluded:

#### 1. Current Account(s)

The Depositors remit to the Bank funds for credit to current account(s) to be opened in the name of

said account(s) to be subject to the terms and conditions communicated by letter.

#### 2. Safe Custody Account

If the Depositors, at the same time or later, deliver to the Bank securities or other valuables for safe custody, these items are to be placed into a safe custody account carried in the same name as the current account(s).

#### 3. Accounting

In the absence of instructions to the contrary, transactions executed on behalf of the Depositors will be passed over the current account(s) referred to under cipher 1; the same account(s) to be credited also with the income derived from securities lodged in safe custody, as well as with all remittances received in favour of the Depositors in other currencies, provided the conversion is possible.

#### 4. More than one Depositor

In the case of two or more Depositors they enjoy the rights of joint creditors within the meaning of Art. 150 of the Swiss Federal Code of Obligations.

Consequently, each Depositor is entitled, individually and independently from the other(s),

- a) to dispose of the cash funds in the current account(s) in whole or in part,
- to operate the safe custody account on his sole signature, namely to place securities and other valuables into, to withdraw all or part of the securities or other valuables from the safe custody account, to pledge these items, etc.

The right to act individually and independently will continue in the event of death, or loss of capacity to act of one of the Depositors. The Bank, when fulfilling its obligations towards one of the Depositors, is legally released towards all of them.

Each Depositor may confer power of attorney on any third person or persons who will then be entitled to act as agent or agents for all Depositors.

Provided no other instructions are given, all remittances, securities or valuables received by the Bank in favour of one of the joint Depositors will be-credited to the current account(s) or placed into the safe custody account referred to under ciphers 1 and 2.

In case the Depositors are husband and wife they authorize each other to dispose individually and without any restrictions of the cash funds in the current account(s), and/or of the securities or other valuables lodged in safe custody.

The wife, in particular, approves also all actions of her husband that exceed the ordinary administration of the matrimonial property.

· 5. Correspondence		
The correspondence and statements pertaining to the cu  to be mailed regularly to the following address:  At a double or value or	rrent account(s) appror automo Ak	safe gustody account are
to be retained by the Bank on behalf of the Deposito	rs and,	•
upon special request quarterly to be mailed to:	half-yearly	yearly
The correspondence mailed, and / or retained, by the Ba deemed to have been duly delivered to the Depositors and possible damages that might occur due to the mail prescribed manner.	who assume full respons ling, and / or retaining, (	ibility for any consequences if the correspondence in the
The Bank has no obligations whatsoever to take any acti the Depositors unless specific instructions are given to		ninistration of the holdings of
Correspondence not collected by the customer will be de	estroyed by the bank 10	years after its date of Issue.

#### 6. "General Conditions" and "Regulations"

Moreover, all mutual rights and duties resulting from this Contract, as well as all questions regarding jurisdiction and the law applicable to this Contract, are subject to the Bank's

- "General Conditions"
- "Regulations for the safekeeping of securities and other valuables", together with the "Schedule of Safekeeping Fees",
- as per printed copies attached, which form part of the present Contract.

#### 7. Special Arrangements

#5

SWISS CREDIT BANK The Depositories

Mark your instructions by X

No. 136 / 6 12. 57

. dank, when administrating the account in accordance with the provisions contained in this cipher, will employ the same care which it usually employs in its own affairs. Apart from this care the Bank does not assume any responsibility whatever.

It is explicitly understood that done of the powers and orders included in this cipher will cause by reason of loss of the capacity to act or by the death of the Depositor; they will continue to remain in force (Art. 35 and 405 of the Swiss Federal Code of Obligations).

#### 3. Custody and administration fee.

The Bank will charge a custody and administration fee amounting until further notice to min. S.Frs.

In case of securities deposited abroad, this fee will be increased by the safekeeping charges of the Bank's foreign correspondents.

March 20. 1868 (Place and date)

The Bank:

. Depositor:



#### APPENDIX 5.11

Francisco I. Chavez, petitioner, vs. Presidential Commission on Good Government (PCGG) and Magtanggol Gunigundo, (in his capacity as chairman of the PCGG), respondents

The compromise agreement mentioned by Raissa Robles is reproduced in full in the decision, along with a supplemental agreement. Assailed were procedural and substantive issues regarding the compromise agreement. One procedural issue—the standing of lawyer Francisco Chavez, who filed as a taxpayer and a citizen—was rendered moot and academic because of the inclusion of the petitioners-in-intervention, who were recognized by the Supreme Court as "legitimate claimants of the Marcos wealth." Among the substantive issues, the agreement was declared in many ways legally infirm, even unconstitutional. One wonders, however, if the agreement was approved by the president at the time, if the Supreme Court would have ruled differently.

#### The Facts

Petitioner Francisco I. Chavez, as "taxpayer, citizen and former government official who initiated the prosecution of the Marcoses and their cronies who committed unmitigated plunder of the public treasury and the systematic subjugation of the country's economy," alleges that what impelled him to bring this action were several news reports<sup>[2]</sup> bannered in a number of broadsheets sometime in September 1997. These news items referred to (1) the alleged discovery of billions of dollars of Marcos assets deposited in various coded accounts in Swiss banks; and (2) the reported execution of a compromise, between the government (through PCGG) and the Marcos heirs, on how to split or share these assets.

Petitioner, invoking his constitutional right to information<sup>[3]</sup> and the correlative duty of the state to disclose publicly all its transactions

#### FIRST DIVISION

[G.R. No. 130716. December 9, 1998]

FRANCISCO I. CHAVEZ, petitioner, vs. PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG) and MAGTANGGOL GUNIGUNDO, (in his capacity as chairman of the PCGG), respondents. GLORIA A. JOPSON, CELNAN A. JOPSON, SCARLET A. JOPSON, and TERESA A. JOPSON, petitioners-in-intervention.

#### DECISION

#### PANGANIBAN, J:

Petitioner asks this Court to define the nature and the extent of the people's constitutional right to information on matters of public concern. Does this right include access to the terms of government negotiations prior to their consummation or conclusion? May the government, through the Presidential Commission on Good Government (PCGG), be required to reveal the proposed terms of a compromise agreement with the Marcos heirs as regards their alleged ill-gotten wealth? More specifically, are the "General Agreement" and "Supplemental Agreement," both dated December 28, 1993 and executed between the PCGG and the Marcos heirs, valid and binding?

#### The Case

These are the main questions raised in this original action seeking (1) to prohibit and "[e]njoin respondents [PCGG and its chairman] from privately entering into, perfecting and/or executing any agreement with the heirs of the late President Ferdinand E. Marcos x x x relating to and concerning the properties and assets of Ferdinand Marcos located in the Philippines and/or abroad -- including the so-called Marcos gold hoard"; and (2) to "[c]ompel respondent[s] to make public all negotiations and agreement, be they ongoing or perfected, and all documents related to or relating to such negotiations and agreement between the PCGG and the Marcos heirs." Lil

#### The Facts

Petitioner Francisco I. Chavez, as "taxpayer, citizen and former government official who initiated the prosecution of the Marcoses and their cronies who committed unmitigated plunder of the public treasury and the systematic subjugation of the country's economy," alleges that what impelled him to bring this action were several news reports[2] bannered in a number of broadsheets sometime in September 1997. These news items referred to (1) the alleged discovery of billions of dollars of Marcos assets deposited in various coded accounts in Swiss banks; and (2) the reported execution of a compromise, between the government (through PCGG) and the Marcos heirs, on how to split or share these assets.

Petitioner, invoking his constitutional right to information [3] and the correlative duty of the state to disclose publicly all its transactions involving the national interest, [4] demands that respondents make public any and all negotiations and agreements pertaining to PCGG's task of recovering the Marcoses' ill-gotten wealth. He claims that any compromise on the alleged billions of ill-gotten wealth involves an issue of "paramount public interest," since it has a "debilitating effect on the country's economy" that would be greatly prejudicial to the national interest of the Filipino people. Hence, the people in general have a right to know the transactions or deals being contrived and effected by the government.

Respondents, on the other hand, do not deny forging a compromise agreement with the Marcos heirs. They claim, though, that petitioner's action is premature, because there is no showing that he has asked the PCGG to disclose the negotiations and the Agreements. And even if he has, PCGG may not yet be compelled to make any disclosure, since the proposed terms and conditions of the Agreements have not become effective and binding.

Respondents further aver that the Marcos heirs have submitted the subject Agreements to the Sandiganbayan for its approval in Civil Case No. 141, entitled Republic v. Heirs of Ferdinand E. Marcos, and that the Republic opposed such move on the principal grounds that (1) said Agreements have not been ratified by or even submitted to the President for approval, pursuant to Item No. 8 of the General Agreement; and (2) the Marcos heirs have failed to comply with their undertakings therein, particularly the collation and submission of an inventory of their assets. The Republic also cited an April 11, 1995 Resolution in Civil Case No. 0165, in which the Sandiganbayan dismissed a similar petition filed by the Marcoses' attorney-in-fact.

Figure 1. A screenshot from the Supreme Court of the Philippines Website.

Source: Supreme Court of the Philippines. 1998. "Francisco I. Chavez, petitioner, vs. Presidential Commission On Good Government (PCGG) and Magtanggol Gunigundo, (in his capacity as chairman of the PCGG), respondents. Gloria A. Jopson, Celnan A. Jopson, Scarlet A. Jopson, and Teresa A. Jopson, petitioners-in-intervention." Republic of the Philippines. http://sc.judiciary.gov.ph/jurisprudence/1998/dec1998/130716.htm.

APPENDIX 5.11 CHAVEZ V. PCGG 647

involving the national interest, [4] demands that respondents make public any and all negotiations and agreements pertaining to PCGG's task of recovering the Marcoses' ill-gotten wealth. He claims that any compromise on the alleged billions of ill-gotten wealth involves an issue of "paramount public interest," since it has a "debilitating effect on the country's economy" that would be greatly prejudicial to the national interest of the Filipino people. Hence, the people in general have a right to know the transactions or deals being contrived and effected by the government.

Respondents, on the other hand, do not deny forging a compromise agreement with the Marcos heirs. They claim, though, that petitioner's action is premature, because there is no showing that he has asked the PCGG to disclose the negotiations and the Agreements. And even if he has, PCGG may not yet be compelled to make any disclosure, since the proposed terms and conditions of the Agreements have not become effective and binding.

Respondents further aver that the Marcos heirs have submitted the subject Agreements to the Sandiganbayan for its approval in Civil Case No. 141, entitled *Republic v. Heirs of Ferdinand E. Marcos*, and that the Republic opposed such move on the principal grounds that (1) said Agreements have not been ratified by or even submitted to the President for approval, pursuant to Item No. 8 of the General Agreement; and (2) the Marcos heirs have failed to comply with their undertakings therein, particularly the collation and submission of an inventory of their assets. The Republic also cited an April 11, 1995 Resolution in Civil Case No. 0165, in which the Sandiganbayan dismissed a similar petition filed by the Marcoses' attorney-in-fact.

Furthermore, then President Fidel V. Ramos, in his May 4, 1998 Memorandum<sup>[5]</sup> to then PCGG Chairman Magtanggol Gunigundo, categorically stated:

"This is to reiterate my previous position embodied in the Palace Press Release of 6 April 1995 that I have not authorized you to approve the Compromise Agreements of December 28, 1993 or any agreement at all with the Marcoses, and would have disapproved them had they been submitted to me.

"The Full Powers of Attorney of March 1994 and July 4, 1994, did not authorize you to approve said Agreements, which I reserve for myself as President of the Republic of the Philippines."

The assailed principal Agreement  $^{\underline{16}}$  reads:

#### KNOW ALL MEN BY THESE PRESENTS:

This Agreement entered into this 28th day of December, 1993, by and between-

The Republic of the Philippines, through the Presidential Commission on Good Government (PCGG), a governmental agency vested with authority defined under Executive Orders Nos. 1, 2 and 14, with offices at the Philcomcen Building, Pasig, Metro Manila, represented by its Chairman referred to as the FIRST PARTY,

#### - and -

Estate of Ferdinand E. Marcos, represented by Imelda Romualdez Marcos and Ferdinand R. Marcos, Jr., all of legal age, and with address at c/o No. 154 Lopez Rizal St., Mandaluyong, Metro Manila, and Imelda Romualdez Marcos, Imee Marcos Manotoc, Ferdinand E. Marcos, Jr., and Irene Marcos Araneta, hereinafter collectively referred to as the PRIVATE PARTY.

#### WITNESSETH:

WHEREAS, the PRIVATE PARTY has been impelled by their sense of nationalism and love of country and of the entire Filipino people, and their desire to set up a foundation and finance impact projects like installation of power plants in selected rural areas and initiation of other community projects for the empowerment of the people;

WHEREAS, the FIRST PARTY has obtained a judgment from the Swiss Federal Tribunal of December 21, 1990, that the \$356 million belongs in principle to the Republic of the Philippines provided certain conditionalities are met, but even after 7 years, the FIRST PARTY has not been able to procure a final judgment of conviction against the PRIVATE PARTY;

WHEREAS, the FIRST PARTY is desirous of avoiding a long-drawn out litigation which, as proven by the past 7 years, is consuming money, time and effort, and is counter-productive and ties up assets which the FIRST PARTY could otherwise utilize for its Comprehensive Agrarian Reform Program, and other urgent needs;

WHEREAS, His Excellency, President Fidel V. Ramos, has adopted a policy of unity and reconciliation in order to bind the nation's

APPENDIX 5.11 CHAVEZ V. PCGG 649

wounds and start the process of rebuilding this nation as it goes on to the twenty-first century;

WHEREAS, this Agreement settles all claims and counterclaims which the parties may have against one another, whether past, present, or future, matured or inchoate.

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein, the parties agree as follows:

- 1. The parties will collate all assets presumed to be owned by, or held by other parties for the benefit of, the PRIVATE PARTY for purposes of determining the totality of the assets covered by the settlement. The subject assets shall be classified by the nature thereof, namely: (a) real estate; (b) jewelry; (c) paintings and other works of art; (d) securities; (e) funds on deposit; (f) precious metals, if any, and (g) miscellaneous assets or assets which could not appropriately fall under any of the preceding classification. The list shall be based on the full disclosure of the PRIVATE PARTY to insure its accuracy.
- 2. Based on the inventory, the FIRST PARTY shall determine which shall be ceded to the FIRST PARTY, and which shall be assigned to/retained by the PRIVATE PARTY. The assets of the PRIVATE PARTY shall be net of, and exempt from, any form of taxes due the Republic of the Philippines. However, considering the unavailability of all pertinent and relevant documents and information as to balances and ownership, the actual specification of assets to be retained by the PRIVATE PARTY shall be covered by supplemental agreements which shall form part of this Agreement.
- 3. Foreign assets which the PRIVATE PARTY shall fully disclose but which are held by trustees, nominees, agents or foundations are hereby waived over by the PRIVATE PARTY in favor of the FIRST PARTY. For this purpose, the parties shall cooperate in taking the appropriate action, judicial and/or extrajudicial, to recover the same for the FIRST PARTY.
- 4. All disclosures of assets made by the PRIVATE PARTY shall not be used as evidence by the FIRST PARTY in

any criminal, civil, tax or administrative case, but shall be valid and binding against said PARTY for use by the FIRST PARTY in withdrawing any account and/or recovering any asset. The PRIVATE PARTY withdraws any objection to the withdrawal by and/or release to the FIRST PARTY by the Swiss banks and/or Swiss authorities of the \$356 million, its accrued interests, and/or any other account; over which the PRIVATE PARTY waives any right, interest or participation in favor of the FIRST PARTY. However, any withdrawal or release of any account aforementioned by the FIRST PARTY shall be made in the presence of any authorized representative of the PRIVATE PARTY.

- 5. The trustees, custodians, safekeepers, depositaries, agents, nominees, administrators, lawyers, or any other party acting in similar capacity in behalf of the PRIVATE PARTY are hereby informed through this General Agreement to insure that it is fully implemented and this shall serve as absolute authority from both parties for full disclosure to the FIRST PARTY of said assets and for the FIRST PARTY to withdraw said account and/or assets and any other assets which the FIRST PARTY on its own or through the help of the PRIVATE PARTY/their trustees, etc., may discover.
- 6. Any asset which may be discovered in the future as belonging to the PRIVATE PARTY or is being held by another for the benefit of the PRIVATE PARTY and which is not included in the list per No. 1 for whatever reason shall automatically belong to the FIRST PARTY, and the PRIVATE PARTY in accordance with No. 4 above, waives any right thereto.
- 7. This Agreement shall be binding on, and inure to the benefit of, the parties and their respective legal representatives, successors and assigns and shall supersede any other prior agreement.
- 8. The PARTIES shall submit this and any other implementing Agreements to the President of the Philippines for approval. In the same manner, the PRIVATE PARTY shall provide the FIRST PARTY

APPENDIX 5.11 CHAVEZ V. PCGG 651

assistance by way of testimony or deposition on any information it may have that could shed light on the cases being pursued by the FIRST PARTY against other parties. The FIRST PARTY shall desist from instituting new suits already subject of this Agreement against the PRIVATE PARTY and cause the dismissal of all other cases pending in the Sandiganbayan and in other courts.

9. In case of violation by the PRIVATE PARTY of any of the conditions herein contained, the PARTIES shall be restored automatically to the *status quo ante* the signing of this Agreement.

For purposes of this Agreement, the PRIVATE PARTY shall be represented by Atty. Simeon M. Mesina, Jr., as their only Attorney-in-Fact.

IN WITNESS WHEREOF, the parties have signed this instrument this 28th day of December, 1993, in Makati, Metro Manila. PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT

[Sgd.] MAGTANGGOL C. GUNIGUNDO

Chairman

ESTATE OF FERDINAND E. MARCOS, IMELDA R. MARCOS, MA. IMELDA MARCOS-MANOTOC, FERDINAND R. MARCOS, IR., & IRENE MARCOS-ARANETA

By:

[Sgd.]IMELDA ROMUALDEZ-MARCOS [Sgd.] MA. IMELDA MARCOS-MANOTOC FERDINAND R. MARCOS, JR.<sup>[2]</sup>

[Sgd.] IRENE MARCOS-ARANETA

Assisted by:

[Sgd.] ATTY. SIMEON M. MESINA, JR.

Counsel & Attorney-in-Fact"

Petitioner also denounces this supplement to the above Agreement: [8]

#### "SUPPLEMENTAL AGREEMENT

This Agreement entered into this 28th day of December, 1993, by and between —

The Republic of the Philippines, through the Presidential Commission on Good Government (PCGG), a governmental agency vested with

authority defined under Executive Orders Nos. 1, 2 and 14, with offices at the Philcomcen Building, Pasig, Metro Manila, represented by its Chairman Magtanggol C. Gunigundo, hereinafter referred to as the FIRST PARTY,

— and —

Estate of Ferdinand E. Marcos, represented by Imelda Romualdez Marcos and Ferdinand R. Marcos, Jr., all of legal age, and with address at c/o No. 154 Lopez Rizal St., Mandaluyong, Metro Manila, and Imelda Romualdez Marcos, Imee Marcos Manotoc, Ferdinand E. Marcos, Jr., and Irene Marcos Araneta, hereinafter collectively referred to as the PRIVATE PARTY.

#### WITNESSETH:

The parties in this case entered into a General Agreement dated Dec. 28, 1993;

The PRIVATE PARTY expressly reserve their right to pursue their interest and/or sue over local assets located in the Philippines against parties other than the FIRST PARTY.

The parties hereby agree that all expenses related to the recovery and/or withdrawal of all assets including lawyers' fees, agents' fees, nominees' service fees, bank charges, traveling expenses and all other expenses related thereto shall be for the account of the PRIVATE PARTY.

In consideration of the foregoing, the parties hereby agree that the PRIVATE PARTY shall be entitled to the equivalent of 25% of the amount that may be eventually withdrawn from said \$356 million Swiss deposits.

IN WITNESS WHEREOF, the parties have signed this instrument this 28th day of December, 1993, in Makati, Metro Manila. PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT By:

[Sgd.] MAGTANGGOL C. GUNIGUNDO

Chairman

ESTATE OF FERDINAND E. MARCOS, IMELDA R. MARCOS, MA. IMELDA MARCOS-MANOTOC, FERDINAND R. MARCOS, JR., & IRENE MARCOS-ARANETA By:

APPENDIX 5.11 CHAVEZ V. PCGG 653

[Sgd.] IMELDA ROMUALDEZ-MARCOS [Sgd.] MA. IMELDA MARCOS-MANOTOC FERDINAND R. MARCOS, JR. [9] [Sgd.] IRENE MARCOS-ARANETA Assisted by: [Sgd.] ATTY. SIMEON M. MESINA, JR. Counsel & Attorney-in-Fact

Acting on a motion of petitioner, the Court issued a Temporary Restraining Order<sup>[10]</sup> dated March 23, 1998, enjoining respondents, their agents and/or representatives from "entering into, or perfecting and/or executing any agreement with the heirs of the late President Ferdinand E. Marcos relating to and concerning their ill-gotten wealth."

Issues

The Oral Argument, held on March 16, 1998, focused on the following issues:

- "(a) Procedural:
  - (1) Whether or not the petitioner has the personality or legal standing to file the instant petition; and
  - (2) Whether or not this Court is the proper court before which this action may be filed.
- (b) Substantive:
  - (1) Whether or not this Court could require the PCGG to disclose to the public the details of any agreement, perfected or not, with the Marcoses; and
  - (2) Whether or not there exist any legal restraints against a compromise agreement between the Marcoses and the PCGG relative to the Marcoses' ill-gotten wealth."[111]

After their oral presentations, the parties filed their respective memoranda.

On August 19, 1998, Gloria, Celnan, Scarlet and Teresa, all surnamed Jopson, filed before the Court a Motion for Intervention, attaching thereto their Petition in Intervention. They aver that they are "among the 10,000 claimants whose right to claim from the Marcos Family and/or the Marcos Estate is recognized by the decision in *In re* 

Estate of Ferdinand Marcos, Human Rights Litigation, Maximo Hilao, et al., Class Plaintiffs No. 92-15526, U.S. Court of Appeals for the 9th Circuit US App. Lexis 14796, June 16, 1994 and the Decision of the Swiss Supreme Court of December 10, 1997." As such, they claim to have personal and direct interest in the subject matter of the instant case, since a distribution or disposition of the Marcos properties may adversely affect their legitimate claims. In a minute Resolution issued on August 24, 1998, the Court granted their motion to intervene and required the respondents to comment thereon. The September 25, 1998 Comment<sup>[12]</sup> of the solicitor general on said motion merely reiterated his aforecited arguments against the main petition. [13]

- Petition, p. 3; rollo, p. 4.
- [2] Annexed to the Petition were the following news articles:
- 1. Estrella Torres, "\$2-B FM Hoard Found," Today, September 25, 1997, p.1.
- "Gov't Working Out Secret Deal on Marcos Gold," The Manila Times, September 25, 1997, p.1.
- 3. Estrella Torres, "FVR Man Has FM Money," Today, September 27, 1997, p.1.
- 4. Donna Cueto and Cathy Cañares, "Swiss, RP Execs Plotted Gold Sale," *Philippine Daily Inquirer*, September 28, 1997.
- Jocelyn Montemayor, "Coded Swiss Accounts Traced to Palace Boys?" The Manila Times, September 29, 1997.
- [3] § 7, Art. III, 1987 Constitution.
- <sup>141</sup> § 28, Art. II, ibid.
- <sup>[5]</sup> The solicitor general's Manifestation, dated August 11, 1998.
- [6] Rollo, pp. 213-216.
- [12] It appears that Ferdinand R. Marcos Jr. did not sign the General Agreement.
- [8] Rollo, pp. 217-218.
- [9] It appears that Ferdinand R. Marcos Jr. did not sign the Supplemental Agreement either.
- [10] Rollo, pp. 159-160.
- 1111 Resolution dated March 16, 1998, pp. 1-2; ibid., pp. 147-148.
- [12] Rollo, pp. 396-403.
- 1131 This case was deemed submitted for resolution on September 28, 1998, when the Court received the solicitor general's Comment on the Motion and Petition for Intervention.

\*\*\*\*\*

# Validity of the PCGG-Marcos Compromise Agreements

Going now to the subject General and Supplemental Agreements between the PCGG and the Marcos heirs, a cursory perusal thereof reveals serious legal flaws. *First*, the Agreements do not conform to the above requirements of EO Nos. 14 and 14-A. We believe that criminal

APPENDIX 5.11 Chavez v. PCGG 655

immunity under Section 5 cannot be granted to the Marcoses, who are the principal defendants in the spate of ill-gotten wealth cases now pending before the Sandiganbayan. As stated earlier, the provision is applicable mainly to witnesses who provide information or testify against a respondent, defendant or accused in an ill-gotten wealth case.

While the General Agreement states that the Marcoses "shall provide the [government] assistance by way of testimony or deposition on any information [they] may have that could shed light on the cases being pursued by the [government] against other parties,"[57] the clause does not fully comply with the law. Its inclusion in the Agreement may have been only an afterthought, conceived in *pro forma* compliance with Section 5 of EO No. 14, as amended. There is no indication whatsoever that any of the Marcos heirs has indeed provided vital information against any respondent or defendant as to the manner in which the latter may have unlawfully acquired public property.

Second, under Item No. 2 of the General Agreement, the PCGG commits to exempt from all forms of taxes the properties to be retained by the Marcos heirs. This is a clear violation of the Constitution. The power to tax and to grant tax exemptions is vested in the Congress and, to a certain extent, in the local legislative bodies. Section 28 (4), Article VI of the Constitution, specifically provides: "No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the Congress." The PCGG has absolutely no power to grant tax exemptions, even under the cover of its authority to compromise ill-gotten wealth cases.

Even granting that Congress enacts a law exempting the Marcoses from paying taxes on their properties, such law will definitely not pass the test of the equal protection clause under the Bill of Rights. Any special grant of tax exemption in favor only of the Marcos heirs will constitute class legislation. It will also violate the constitutional rule that "taxation shall be uniform and equitable." [59]

Neither can the stipulation be construed to fall within the power of the commissioner of internal revenue to compromise taxes. Such authority may be exercised only when (1) there is *reasonable doubt as to the validity of the claim* against the taxpayer, and (2) the taxpayer's financial position demonstrates a *clear inability to pay*. Definitely, neither requisite is present in the case of the Marcoses, because under the Agreement they are effectively conceding the validity of the claims against their properties, part of which they will be allowed to retain. Nor can the PCGG grant of tax exemption fall within the power of the

commissioner to abate or cancel a tax liability. This power can be exercised only when (1) the tax appears to be unjustly or excessively assessed, or (2) the administration and collection costs involved do not justify the collection of the tax due. [61] In this instance, the cancellation of tax liability is done even before the determination of the amount due. In any event, criminal violations of the Tax Code, for which legal actions have been filed in court or in which fraud is involved, cannot be compromised. [62]

Third, the government binds itself to cause the dismissal of all cases against the Marcos heirs, pending before the Sandiganbayan and other courts. [63] This is a direct encroachment on judicial powers, particularly in regard to criminal jurisdiction. Well-settled is the doctrine that once a case has been filed before a court of competent jurisdiction, the matter of its dismissal or pursuance lies within the full discretion and control of the judge. In a criminal case, the manner in which the prosecution is handled, including the matter of whom to present as witnesses, may lie within the sound discretion of the government prosecutor; 64 but the court decides, based on the evidence proffered, in what manner it will dispose of the case. Jurisdiction, once acquired by the trial court, is not lost despite a resolution, even by the justice secretary, to withdraw the information or to dismiss the complaint. [65] The prosecution's motion to withdraw or to dismiss is not the least binding upon the court. On the contrary, decisional rules require the trial court to make its own evaluation of the merits of the case, because granting such motion is equivalent to effecting a disposition of the case itself.[66]

Thus, the PCGG, as the government prosecutor of ill-gotten wealth cases, cannot guarantee the dismissal of all such criminal cases against the Marcoses pending in the courts, for said dismissal is not within its sole power and discretion.

Fourth, the government also waives all claims and counterclaims, "whether past, present, or future, matured or inchoate," against the Marcoses. [67] Again, this all-encompassing stipulation is contrary to law. Under the Civil Code, an action for future fraud may not be waived. [68] The stipulation in the Agreement does not specify the exact scope of future claims against the Marcoses that the government thereby relinquishes. Such vague and broad statement may well be interpreted to include all future illegal acts of any of the Marcos heirs, practically giving them a license to perpetrate fraud against the government without any liability at all. This is a palpable violation of

APPENDIX 5.11 CHAVEZ V. PCGG 657

the due process and equal protection guarantees of the Constitution. It effectively ensconces the Marcoses beyond the reach of the law. It also sets a dangerous precedent for public accountability. It is a virtual warrant for public officials to amass public funds illegally, since there is an open option to compromise their liability in exchange for only a portion of their ill-gotten wealth.

Fifth, the Agreements do not provide for a definite or determinable period within which the parties shall fulfill their respective prestations. It may take a lifetime before the Marcoses submit an inventory of their total assets.

Sixth, the Agreements do not state with specificity the standards for determining which assets shall be forfeited by the government and which shall be retained by the Marcoses. While the Supplemental Agreement provides that the Marcoses shall be entitled to 25 per cent of the \$356 million Swiss deposits (less government recovery expenses), such sharing arrangement pertains only to the said deposits. No similar splitting scheme is defined with respect to the other properties. Neither is there, anywhere in the Agreements, a statement of the basis for the 25-75 percent sharing ratio. Public officers entering into an arrangement appearing to be manifestly and grossly disadvantageous to the government, in violation of the Anti-Graft and Corrupt Practices Act, [69] invite their indictment for corruption under the said law.

Finally, the absence of then President Ramos' approval of the principal Agreement, an express condition therein, renders the compromise incomplete and unenforceable. Nevertheless, as detailed above, even if such approval were obtained, the Agreements would still not be valid.

From the foregoing disquisition, it is crystal clear to the Court that the General and Supplemental Agreements, both dated December 28, 1993, which the PCGG entered into with the Marcos heirs, are violative of the Constitution and the laws aforementioned.

WHEREFORE, the petition is *GRANTED*. The General and Supplemental Agreements dated December 28, 1993, which PCGG and the Marcos heirs entered into are hereby declared *NULL AND VOID* for being contrary to law and the Constitution. Respondent PCGG, its officers and all government functionaries and officials who are or may be directly or indirectly involved in the recovery of the alleged ill-gotten wealth of the Marcoses and their associates are *DIRECTED* to disclose to the public the terms of any proposed compromise settlement, as well as the final agreement, relating to such

alleged ill-gotten wealth, in accordance with the discussions embodied in this Decision. No pronouncement as to costs.

#### SO ORDERED.

- [57] General Agreement, par. 8.
- 1581 Mactan Cebu International Airport Authority v. Marcos, 261 SCRA 667, September 11, 1996.
- [59] § 28 (1), Art. VI, Constitution. Commissioner of Internal Revenue v. Court of Appeals, 261 SCRA 236, August 29, 1996; Tolentino v. Secretary of Finance, 249 SCRA 628, October 30, 1995; Kapatiran ng mga Naglilingkod sa Pamahalaan ng Pilipinas, Inc. v. Tan, 163 SCRA 371, 383, June 30, 1988, citing City of Baguio v. De Leon, 134 Phil. 912, 919-920 (1968).
- [60] § 204 (1), National Internal Revenue Code, as amended by § 3, RA 7646.
- [61] § 204 (2), NIRC.
- [62] Par. 2, ibid.
- [63] General Agreement, par. 8.
- [64] People v. Nazareno, 260 SCRA 256, August 1, 1996; People v. Porras, 255 SCRA 514, March 29, 1996.
- 1651 Ledesma v. Court of Appeals, GR No. 113216, September 5, 1997, pp. 21-22.
- [66] Ibid., p. 23, citing Crespo v. Mogul, 151 SCRA 462, June 30, 1987; Marcelo v. Court of Appeals, 235 SCRA 39, August 4, 1994; Martinez v. Court of Appeals, 237 SCRA 575, October 13, 1994; and Roberts Jr. v. Court of Appeals, 254 SCRA 307, March 5, 1996.
- Last "Whereas" clause of the General Agreement.
- [68] Art. 1171.
- [69] Specifically § 3 (g) of RA 3019.



### APPENDIX 5.12

# UP ROTC Website Profile on Alumnus Ferdinand E. Marcos

Precisely who wrote this brief biographical note of "master politician" Ferdinand E. Marcos is unknown. Exactly the same note appears in the Department of National Defense website (www.dnd.gov.ph/ferdinande-marcos.html), where he is featured because he twice headed the department while concurrently serving as president. Based on webpage copies cached via the Internet Archive's Wayback Machine, the UP ROTC posted the profile first; the earliest of those copies is shown here. In any case, that a laudatory biography of Marcos appears in two websites concerned with national defense and security in this decade shows Marcos's continuing hold within communities that were instrumental to the enforcement of the dictatorship.

# President Ferdinand E. Marcos

Class of 1937

Ferdinand E. Marcos was a former President and prime Minister, statesman, war hero, author, poet and parliamentarian.

Marcos was born on September 11, 1917, Sarrat, Ilocos Norte. His parents were Mariano R. Marcos, a lawyer from Batac, Ilocos Norte who became its district representative in the Lower house and governor of Davao during the American occupation and Josefa Edralin, a teacher.

He finished high school with honors at the University of the Philippines and was a scholar during his Law studies at U.P. He graduated cum laude in March 1939 with the President Quezon Award for his thesis. He also excelled in sports—wrestling, boxing and swimming. He was also a good orator for which he received the Quezon medal in 1938. He was also a Military Science Instructor at U.P. and a writer for the Philippine Collegian.

#### HOME ABOUT TRAINING CORPS LIFE PHOTO GALLERY VIDEOS RELATED LINKS

You are here: Home > Alumni, Hall of Fame > President Ferdinand E. Marcos

### President Ferdinand E. Marcos

Class of 1937

email Print del.icio.us Facebook Google Bookmarks Twitter



Ferdinand E. Marcos was a former President and prime Minister, statesman, war hero, author, poet and parliamentarian.

Marcos was born on September 11, 1917, Sarrat, Ilocos Norte. His parents were Mariano R. Marcos, a lawyer from Batac, Ilocos Norte who became its district representative in the Lower house and governor of Davao during the American occupation and Josefa Edralin, a teacher.

He finished high school with honors at the University of the Philippines and was a scholar during his Law studies at U.P. He graduated cum laude in March 1939 with the President Quezon Award for his thesis. He also excelled in sports – wrestling, boxing and swimming. He was also a good orator for which he received the Quezon medal in 1938. He was also a Military Science Instructor at U.P. and a writer for the Philippine Collegian.

When Marcos was reviewing for the Bar exams, he was arrested for having shot the then newly elected representative of Ilocos Norte, Julio Nalundasan who won over his father. He was found guilty by the lower court so he appealed to the Supreme Court.

Despite this problem, Marcos topped the Bar exams in 1939, but could not take his oath as a lawyer because of his pending case. Nevertheless, he was allowed to defend himself before the High Tribunal and was acquitted.

During the outbreak of the Second World War, Marcos joined the military, fought in Bataan and later joined the guerilla forces. He was a major when the war ended.

After the war, the Commonwealth Government was reestablished with Osmena as President. When President Manuel A. Roxas was elected and assumed office in May 28, 1946, Marcos was designated Special Assistant to the President, 1946–1947. He was also named member of the Philippine Veterans Commission that went to Washington D.C. to lobby for the G.I. Bill of Rights which provided for backpay for Filipino war veterans.

When the Philippines was granted independence in July 4, 1946 by the American government, the Philippine Congress was established. Marcos ran and was twice elected as representative of the 1st district of Ilocos Norte, 1949–1959. He was named chairman of the House Committee on Commerce and Industry and member of the Defense Committee headed by Ramon Magsaysay.

He was the topnotcher in the senatorial elections in 1959. He was Senate minority floor leader, 1960; executive vice president, LP 1954–1961; president, Liberal Party, 1961–1964; Senate President, 1959–1965. During his term as Senate President, former Defense Secretary Eulogio B. Balao was also closely working with Marros.

He was chairman, House Neophytes Bloc in which (President) Diosdado Macapagal, (Vice President) Emmanuel Pelaez and (Manila Mayor) Arsenio J. Lacson were members, House Committee on Industry; LP spokesman on economic matters; member, Special Committee on Import and Price Controls and on Reparations; House Committees on Ways and Means, Banks Currency, War Veterans, Civil Service, Corporations and Economic Planning; and the House Electoral Tribunal.

As a lawyer and a master politician, Marcos led a most interesting and controversial political career both before and after his term as Senate President. He became Senator after he served as member of the House of Representatives for three terms, then later as Minority Floor Leader before gaining the Senate Presidency. He is one of the legislators who had established a record for having introduced a number of significant bills, many of which found their way into the Republic statute books.

#### Figure 1. A screenshot from the UP ROTC website.

Source: University of the Philippines Reserve Officers' Training Corps. 2010. "President Ferdinand E. Marcos." University of the Philippines Reserve Officers' Training Corps. July 12. https://web.archive.org/web/20100712024212/http://www.uprotc.org/alumni/president-ferdinand-e-marcos.html.

When Marcos was reviewing for the Bar exams, he was arrested for having shot the then newly elected representative of Ilocos Norte, Julio Nalundasan who won over his father. He was found guilty by the lower court so he appealed to the Supreme Court.

Despite this problem, Marcos topped the Bar exams in 1939, but could not take his oath as a lawyer because of his pending case. Nevertheless, he was allowed to defend himself before the High Tribunal and was acquitted.

During the outbreak of the Second World War, Marcos joined the military, fought in Bataan and later joined the guerilla forces. He was a major when the war ended.

After the war, the Commonwealth Government was reestablished with Osmena [sic] as President. When President Manuel A. Roxas was elected and assumed office in May 28, 1946, Marcos was designated Special Assistant to the President, 1946-1947. He was also named member of the Philippine Veterans Commission that went to Washington D.C. to lobby for the G.I. Bill of Rights which provided for backpay for Filipino war veterans.

When the Philippines was granted independence in July 4, 1946 by the American government, the Philippine Congress was established. Marcos ran and was twice elected as representative of the 1st district of Ilocos Norte, 1949-1959. He was named chairman of the House Committee on Commerce and Industry and member of the Defense Committee headed by Ramon Magsaysay.

He was the topnotcher in the senatorial elections in 1959. He was Senate minority floor leader, 1960; executive vice president, LP 1954-1961; president, Liberal Party, 1961-1964; Senate President, 1959-1965. During his term as Senate President, former Defense Secretary Eulogio B. Balao was also closely working with Marcos.

He was chairman, House Neophytes Bloc in which (President) Diosdado Macapagal, (Vice President) Emmanuel Pelaez and (Manila Mayor) Arsenio J. Lacson were members, House Committee on Industry; LP spokesman on economic matters; member, Special Committee on Import and Price Controls and on Reparations; House Committees on Ways and Means, Banks Currency, War Veterans, Civil Service, Corporations and Economic Planning; and the House Electoral Tribunal.

As a lawyer and a master politician, Marcos led a most interesting and controversial political career both before and after his term as Senate President. He became Senator after he served as member of the House of Representatives for three terms, then later as Minority Floor Leader before gaining the Senate Presidency. He is one of the legislators who had established a record for having introduced a number of significant bills, many of which found their way into the Republic statute books.

Marcos ran for the presidency under the Nacionalista Party and won. He assumed office as President in December 30, 1965 and held the defense post in a concurrent capacity till January 1967. He was reelected in 1969 and declared Martial Law in September 1972. Again, he held the defense post concurrently in August 1971 till January 1972.

He became Prime Minister in June 12, 1978 and ruled the country for 20 years till February 25, 1986 during the EDSA People Power revolution which ousted him from power.

Marcos went on exile in Hawaii, where he died on September 28, 1989. He left behind his wife, Imelda and their three children: Maria Imelda Josefa Trinidad (Imee), Ferdinand Jr. (Bongbong), and Irene Victoria.

Thus far, he is the last Senate President to become President of the Philippines.



#### APPENDIX 5.13

# Executive Order 879, "Directing the Propagation of the Filipino Ideology and Creating a Committee to Evolve, Supervise and Monitor the Implementation of the Program for Its Dissemination"

As early as 1972, President Marcos talked about formulating a Filipino Ideology in his diaries. Then in 1979, a book was released under his name (but also "ghosted"; see Teodoro 2008) entitled Towards a Filipino Ideology. This was followed by An Ideology for Filipinos (1980). Why Marcos waited until March 1983 to require instruction on the Filipino Ideology "among [government] personnel and the general public they serve"; to mandate prospective civil servants to have "basic knowledge on the Filipino Ideology"; and to order the Ministry of Education, Culture, and Sports to look into how to integrate the Filipino Ideology into all school curricula remains to be surfaced. Marcos clearly aimed to form a bureacracy with a uniform "ideological" orientation, as well as to indoctrinate students in "all levels of education and training and all schools in the country" in "Marcosian" thought. It would be interesting to discover how many of today's Marcos lovalists recall undergoing seminars on the Filipino Ideology or learning about it from their teachers or instructors in the 1980s.

#### Reference

Teodoro, Luis. 2008. "Ghosts." Luisteodoro.com, 1 August. http://www.luisteodoro.com/ghosts/#more-567.

# Signed on March 1, 1983

WHEREAS, both the New Society established in 1972 and the New Republic inaugurated in 1981 were dedicated to the release of the majority of our people from poverty and the promotion of their economic and social welfare;

WHEREAS, the means we chose to bring forth this fundamental change in Filipino society, was a revolution founded on democratic



# Executive Order No. 879, s. 1983

Signed on March 1, 1983

#### MALACAÑANG MANII A

#### BY THE PRESIDENT OF THE PHILIPPINES

#### EXECUTIVE ORDER NO. 879

DIRECTING THE PROPAGATION OF THE FILIPINO IDEOLOGY AND CREATING A COMMITTEE TO EVOLVE, SUPERVISE AND MONITOR THE IMPLEMENTATION OF THE PROGRAM FOR ITS DISSEMINATION

WHEREAS, both the New Society established in 1972 and the New Republic inaugurated in 1981 were dedicated to the release of the majority of our people from poverty and the promotion of their economic and social welfare;

WHEREAS, the means we chose to bring forth this fundamental change in Filipino society, was a revolution founded on democratic precepts, a constitutional process of radical reform that rejected violence, chaos and destruction;

WHEREAS, the barangay, the ancient social and political unit of the Filipino, was restored by the national leadership to serve as the medium through which to carry out this essential program of transformation;

WHEREAS, the mass of the citizenry whose dignity was the objective of such radical but democratic reform was summoned by the national leadership to participate in various nationwide programs of development, such as, among others, the

- 1. Kilusang Kabuhayan at Kaunlaran (KKK) The new revolution for livelihood and progress, which places funds at the disposal of the community's poorest, not as a handout but as an incentive to effort.
- 2. Barangay Brigades Development Program Designed as an instrument of developing good works in the community and in the nation. Its one great objective is to make the <u>barangay</u> utterly absorbed in the affairs of the world under a distinctive mood of self-reliance and volunteerism.
- 3. Land Reform Movement Movement strives to emancipate the rice and corn tenants from feudal bondage. The law (PD 27) transfers to them ownership of rice and corn lands, bringing to an end the exploitive agricultural share tenancy system.
- 4. Masagana 99 Launched in 1973, the movement aspires to have the farmers increase their production to 99 sacks of 4.4 tons of unmilled rice (palay) per hectare. It sets its sights on self- sufficiency in food, using modern methods of irrigation, infrastructure buildup, and input increases.

#### Figure 1. A screenshot from the Official Gazette.

Source: President of the Philippines. 1983. "Executive Order No. 879, Directing the Propagation of the Filipino Ideology and Creating a Committee to Evolve, Supervise and Monitor the Implementation of the Program for Its Dissemination." Republic of the Philippines. http://www.officialgazette.gov.ph/1983/03/01/executive-order-no-879-s-1983.

precepts, a constitutional process of radical reform that rejected violence, chaos and destruction;

WHEREAS, the barangay, the ancient social and political unit of the Filipino, was restored by the national leadership to serve as the medium through which to carry out this essential program of transformation;

WHEREAS, the mass of the citizenry whose dignity was the objective of such radical but democratic reform was summoned by the national leadership to participate in various nationwide programs of development, such as, among others, the

- 1. Kilusang Kabuhayan at Kaunlaran (KKK) The new revolution for livelihood and progress, which places funds at the disposal of the community's poorest, not as a handout but as an incentive to effort.
- 2. Barangay Brigades Development Program Designed as an instrument of developing good works in the community and in the nation. Its one great objective is to make the barangay utterly absorbed in the affairs of the world under a distinctive mood of self-reliance and volunteerism.
- 3. Land Reform Movement Movement strives to emancipate the rice and corn tenants from feudal bondage. The law (PD 27) transfers to them ownership of rice and corn lands, bringing to an end the exploitive agricultural share tenancy system.
- 4. Masagana 99 Launched in 1973, the movement aspires to have the farmers increase their production to 99 sacks of 4.4 tons of unmilled rice (palay) per hectare. It sets its sights on self-sufficiency in food, using modern methods of irrigation, infrastructure buildup, and input increases.
- 5. Masagana Program Movement designed to accelerate production of yellow hybrid corn; uses similar methods employed under Masagana 99.
- 6. Blue Revolution Program Movement aimed at accelerating sea-farming projects.

- 7. Samahang Nayon Movement Biggest farmer institution involving the development of farmer cooperatives; inculcating self-reliance in production, procurement and marketing of farm products. A component of the land reform program. PD 27 requires farmer beneficiaries to become bona fide members of a cooperative organization called Samahang Nayon.
- 8. Small Farmer Development Program Established to assist the small farmer, small fishermen and landless agricultural workers to obtain higher productivity and increase farm family incomes through group action. Also implemented as a component of land reform.
- Home Development Mutual Fund or PAG-IBIG Fund

   Created through PD No. 1530, the HDMF institutionalized a system of voluntary contribution for housing purposes.
- 10. Medical Care Medicare insurance coverage for public and private workers, later expanded to include self-employed dependents, retirees and other groups (PDs 1013 and 1519). This program enabled the reduction of the financial burden of hospitalization.
- 11. Enercon Movement A continuing program which encourages the people to take energy conservation measures.
- 12. Integrated Municipal Food & Nutrition Program Movement aimed at educating the people [to] combat food deficiency and malnutrition.
- 13. Self-Employment Assistance Program A productivityoriented program where non-interest and non-collateral capital assistance is granted to individuals and groups who then engage in incoming-producing [sic] ventures.
- 14. Kabataang Barangay A nationwide movement designed to organize the youth into a unified whole and to have them involve themselves in socio-economic-political activities.

- 15. Balikatan Program Carried out under the National Commission on the Role of Filipino Women, the program aims at ensuring the full integration of women for economic, social and cultural development at the national level.
- 16. Cooperative Program An essential supplement to land reform, this program is a means by which small farmers, [sic] can act collectively so that they will have economic strength. Within the cooperative system, small and fragmented landholdings are consolidated into operational units, farm technology is transferred more systematically to the rural sector, credit is better administered, and government and civic programs more effectively implemented.

WHEREAS, through these mass-based programs citizens were given the opportunity for self-improvement through the acquisition and application of skills, the exercise of initiative, and the productive use of resources:

WHEREAS, this revolutionary effort undertaken together by the government and the people, embodied the essence of the Filipino ideology, a national creed that honors the cooperative spirit, promotes peaceable change, and safeguards the right of the poor to dignity and advancement:

WHEREAS, the masses themselves have yet to see this ideology fully developed and articulated, or to find its relationship to national destiny, and for this purpose it is necessary that they are drawn into the task of understanding the elements of the country's moral and intellectual legacy and the new salutary values which are the source of the Filipino ideology;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. All agencies and instrumentalities of government shall undertake a program of orientation and dissemination of the Filipino ideology among their personnel and the general public they serve. For this purpose, the inclusion in the annual program and budget of government agencies and instrumentalities of a specific amount to fund the propagation of the Filipino ideology is hereby authorized.

- SEC. 2. The Ministry of Education, Culture and Sports shall include the study and understanding of the Filipino ideology in the curricula of all levels of education and training in all schools in the country.
- SEC. 3. The Civil Service Commission shall include in its qualifying examinations for government service basic knowledge on the Filipino ideology.
- SEC. 4. There is hereby created a Committee on the Propagation of the Filipino Ideology which shall have the following functions:
  - a. Cull from the existing body of writings on Filipino ideology and from other works of Philippine literature the fundamentals of that ideology and organize the same for dissemination to our people.
  - b. Provide guidance on the formulation of a program of orientation and dissemination of the Filipino ideology in both government and private sectors.
  - c. Approve the above program and supervise its implementation.
  - d. Initiate regular programs and special projects to provide a venue for the discussion, synthesis and refinement of the Filipino ideology.
  - e. Report to the President on the progress of the program.
  - SEC. 5. The Committee shall be composed of the following: Minister of Human Settlements: Chairman

Minister of Education, Culture and Sports: Vice-Chairman

Minister of Local Government: Member

Minister of National Defense: Member

Minister of Labor and Employment: Member

Minister of Media Affairs: Member

Executive Director, President's Center for Special Studies: Member

Upon the recommendation of the Committee, the President shall designate as members of the Committee representatives from the various Church denominations, Labor Group and other sectors.

The Chairman, Vice-Chairman and Members may have their respective alternates who shall be designated by them and whose acts shall be considered the acts of their principals with the right to receive benefits.

SEC. 6. The Committee shall have an Executive Working Group which shall be headed by the Executive Director, President's Center for Special Studies with the following as members:

Representatives of the members of the above Committee

General, [sic] Manager, National Housing Authority

Representatives of such Church groups may be called upon

Representative of the Labor Groups

Representative from Other Sectors as necessary.

SECTION 7. The Executive Working Group shall have the following functions:

- a. Under the guidance of the Committee, evolve and submit for its approval, action plans and programs of implementation for the propagation of the Filipino ideology.
- b. Serve as action group in the implementation of specific programs and projects approved by the Committee.
- c. Provide secretarial and other administrative support services to the Committee.
- d. Monitor the implementation of programs on the propagation of the Filipino ideology and submit periodic reports to the Committee on the status of such program.
- e. Establish and administer an operations center or appropriate offices of the Committee.
- f. Undertake such other tasks as the Committee may direct with respect to the propagation of the Filipino ideology.

SEC. 8. The Executive Working Group shall organize a Secretariat which shall provide administrative and monitoring services for the Committee. For this purpose and subject to the approval of the Committee through its Chairman, the Executive Working Group may hire qualified individuals to constitute its technical and administrative staff and employ the services of consultants to assist such staff.

SEC. 9. The Minister of the Budget shall release to the President's Center for Special Studies the amount of One Million Pesos (P1 Million) from the Special Activities Fund of the President, which amount shall be used to fund the initial administrative and operating activities of the Committee. The Minister of the Budget shall, upon the recommendation of the Committee on the Propagation of the Filipino ideology [sic], release funds as grants to any government agency or instrumentality undertaking approved programs or projects on the Filipino ideology.

SEC. 10. This Executive Order shall take effect immediately. Done in the City of Manila, this 1st day of March in the year of Our Lord, nineteen hundred and eighty-three.

(Sgd.) FERDINAND E. MARCOS President of the Philippines

By the President: (Sgd.) JUAN C. TUVERA Presidential Executive Assistant



#### APPENDIX 5.14

# Introduction, Introductory Readings in Filipino Ideology

As previously mentioned, Marcos's propagandists released books on the Filipino Ideology under their principal's name. Below is the introduction to a curious book released by the President's Center for Special Studies, which does not have an identified author nor a copyright page. By juxtaposing texts written by intellectuals such as Apolinario Mabini and Claro M. Recto with selections from works attributed to Marcos, the book tries to portray Marcos as a political thinker worthy of esteem like his intellectual forebears. However, the juxtaposition also has the effect of highlighting how lacking in novelty the Marcosian Filipino Ideology is; from the internal revolution (channeling Mabini) to self-reliance (echoing Recto), all of "Marcos's" formulations were better enunciated by those who came before him.

#### The Revolution from the Center

The Filipino's quest for a form of government that would be both nationalist and popular has a long and illustrious history. The Filipinos, as is well known, were the first to wage an anti-colonial struggle in Asia, the first to specify the idea of a nation, at a time when the other colonies were resisting colonialism in terms of peasant uprisings and various forms of revivalism, as the Philippines itself had done in the past. Given the experience of colonial subjection, the conception of what was nationalist and what are popular held little distinction. Nationalism entailed the abolition of the old political order and the establishment of a new order that would reflect the interest of Filipinos as a whole. The ideas of the revolutionaries, notably the leaders of the Katipunan, expressed a firm conviction that the new political order would benefit not only the educated classes but also, and more particularly, the poor and downtrodden masses.

These selections show the nationalist and egalitarian underpinnings of the political and social order envisioned by outstanding Filipinos.

## INTRODUCTION

#### The Revolution from the Center

The Filipino's quest for a form of government that would be both nationalist and popular has a long and illustrious history. The Filipinos, as is well known, were the first to wage an anti-colonial struggle in Asia, the first to specify the idea of a nation, at a time when the other colonies were resisting colonialism in terms of peasant uprisings and various forms of revivalism, as the Philippines itself had done in the past. Given the experience of colonial subjection, the conception of what was nationalist and what was popular held little distinction. Nationalism entailed the abolition of the old political order and the establishment of a new order that would reflect the interest of Filipinos as a whole. The ideas of the revolutionaries, notably the leaders of the Katipunan, expressed a firm conviction that the new political order would benefit not only the educated classes but also, and more particularly, the poor and downtrodden masses.

These selections show the nationalist and egalitarian underpinnings of the political and social order envisioned by outstanding Filipinos. With the American occupation of the Philippines, however, political emancipation (nationalism) and social justice (egalitarianism) tended to be regarded as separate issues. Political emancipation was earnestly sought while peasant and labor unrest smouldered within society. The post-independence period brought the underlying social problems into sharper relief, and showed quite clearly that the basic political premise upon which society stood — liberal democracy of the American type — was not in keeping with existing social realities.

The revolution from the center is, in a sense, a reaffirmation of the unity of nationalism and popular aspirations as the guiding principle in the quest for a just social order. It rejects foreign models based on foreign experiences and opts for political instruments appropriate to the Philippine situation. Its egalitarian character is well in evidence in its identification with the interests of the poor: the revolution from the center gives expression to the "rebellion of the poor." But more than affirming principles, the revolution from the center has also created the basis for the realization of nationalist and egalitarian aspirations. The state itself, rather than being the neutral, and often ineffectual, moderator of social activities, becomes the instrument of revolution.

Figure 1. A copy of the introduction.

Source: President's Center for Special Studies. 1977. Introductory Readings in Filipino Ideology. Manila: President's Center for Special Studies, Office of the President, Republic of the Philippines.

With the American occupation of the Philippines, however, political emancipation (nationalism) and social justice (egalitarianism) tended to be regarded as separate issues. Political emancipation was earnestly sought while peasant and labor unrest smouldered within society. The post-independence period brought the underlying social problems into sharper relief, and showed quite clearly that the basic political premise upon which society stood – liberal democracy of the American type – was not in keeping with existing social realities.

The revolution from the center is, in a sense, a reaffirmation of the unity of nationalism and popular aspirations as the guiding principle in the quest for a just social order. It rejects foreign models based on foreign experiences and opts for political instruments appropriate to the Philippine situation. Its egalitarian character is well in evidence in its identification with the interests of the poor; the revolution from the center gives expression to the "rebellion of the poor." But more than affirming principles, the revolution from the center has also created the basic for the realization of nationalist and egalitarian aspirations. The state itself, rather than being the neutral, and often ineffectual, moderator of social activities, becomes the instrument of revolution.

#### The Democratization of Wealth

The social order based on colonialism was characterized by a more or less unequal structure that militated against development, on one hand, and the more equitable distribution of wealth, on the other. Philippine society under Spanish rule labored under the most backward forms of tenancy, regressive taxes and an economy that acquired some dynamism only in the last century of that rule. In any case, the direction of economic development went beyond the bounds of Spanish control, and the Spanish government hindered rather than promoted this development. American rule retained, and even reinforced, existing agrarian relations by creating new social groups that benefited from the ensuing mercantile relations between the Philippines and the United States. American rule did provide economic growth, but this was a development that enhanced the welfare only of a sector of the population. By and large, post-independence Philippine society retained the vestiges of its colonial past. A prominent feature of this society was the emergence of an oligarchic class, with strong mercantile and agrarian interest, which controlled the reins of government and dictated the nature of the political order.

The quest for social justice, as these selections show, found expression in economic nationalism. This is particularly true of the post-war period, which these selections preponderantly represent. In the view of nationalists like Recto, the problem of social justice first of all had to do with genuine development – development for Filipinos. The social structure inherited from colonial days continued to spawn colonial-type economic and foreign policies, abetted no doubt by pressure from the former colonial rulers. What needed to be done was to repudiate those aspects of Philippine-American relations that were inimical to the economic program based on industrialization, that would make the country truly independent. The democratic revolution reaffirms this staunchy nationalistic position, but emphasized as well the distributive aspects of development. Rather than treat social justice as a secondary problem, the presumed consequence of development, it has to be considered as an integral aspect of any development plan.

#### Self-Reliance

The social conditions created by colonialism provided the prop for ideological thinking inimical to development and liberation. Spanish rule cultivated among Filipinos religious thinking of the more obscurantist type. American rule brought with it the spirit of liberal democracy, but its principles were largely circumscribed by American historical experience. Both of these gave rise to a "colonial mentality" characterized by backward forms of personalism (patron-client relations) and subservience. The principle of self-reliance, enunciated by various nationalist since the Propaganda Period, addressed itself not only to the more physical aspect of dependence on colonial initiative but to the equally formidable problem of ideological captivity.

A particular prominent feature of the struggle for self-reliance is the quest for a foreign policy that would be independent and reflective of Philippine interests. Mabini, Recto, and Marcos, of course, loom large in the shaping of Philippine Foreign policy. Indeed, it is in the era of Marcos that nationalist aspirations in this regard have been most fully met. Quite apart from foreign relations, the democratic revolution initiated by Marcos emphasized the internal and ideological aspects of self-reliance. The revolution itself is premised on self-reliance—on innovation and enterprise rather than an imitation and mendicancy. In a deeper sense, the revolution from the center anchors the whole idea of self-reliance on initiative at the grassroots level, politically through barangay democracy, and economically through participation by the broad masses of the people.



#### APPENDIX 5.15

# Confidential Memo for Ferdinand Marcos from Arturo Tanco on Rice Crisis, 16 July 1973

In his 1968 state-of-the-nation address, Ferdinand Marcos claimed that the Philippines had achieved rice self-sufficiency. This claim would be reiterated in 1976, about three years after the Masagana 99 program was launched, e.g., via Marcos's Letter of Instruction No. 405, s. 1976. In between happened one of the country's worst rice crises, which, as the following document shows (corroborated by Smith 1989, 69–71), was due largely to numerous natural disasters. In the following, it is implied by Tanco that the president had not been completely honest to the public about the gravity of the rice shortage. Indeed, in a speech titled "The IRRI: A Force for Modernization," delivered on 21 April 1972, Marcos claimed that "except for the last 2 years when our rice fields were decimated by typhoons and tungro, we have maintained a respectable level of rice production."

#### References

Marcos, Ferdinand. 1972, April 21. "The IRRI: A Force for Modernization." http://www.officialgazette.gov.ph/1972/04/21/messages-of-president-marcos-the-irria-force-for-modernization-april-21-1972.

Smith, Kenneth. 1989. "Palay, Policy and Public Administration: The 'Masagana 99' Program Revisited." *Philippine Journal of Public Administration* 33 (1): 69–96.

#### Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 24, File Nos. 1001–03.

# MEMO FOR THE PRESIDENT

1973-07-16



FROM: The Secretary of Agriculture and Natural Resources

PRIVATE & CONFIDENTIAL

RE: RICE CRISIS

#### GRAVITY OF THE SITUATION

As predicted in our previous memoranda\*, I would like to call Your Excellency's attention to stark realities of the present rice crisis:

- The total of present rice stock, committed imports, and palagad harvests only amount to a total supply of twenty-six (26) days for the whole country from 16th July.
- Because of the timing of imported rice arrivals and distribution inefficiencies, the 26-day supply will not be continuous. There will be days when there will be no rice at all, beginning 31st August. Annex "A" shows this.
- The bumper corn crop, deducting supply attributable to pure corn eaters, will only add another 36 days to the country's cereal supply -whether eaten as corn or as a mixture of rice and corn.
- 4. Although BOI Chairman Vicente T. Paterno and I sometime ago succeeded in having the flour millers stock wheat to full bin capacity, the maximum milling capability in the country will only give us 2,700 tons per day or about 25% of daily rice consumption of about 10,000 to 11,000 metric tons per day. This will give us another 24 days of bread or noodle supply.
- 5. As His Excellency knows, seven weeks ago, the First Lady, through Secretary Drilon, launched the Green Revolution into root crops and "saging na saba." This should literally start bearing fruit beginning next week. The net effect on cereal supply, however, is unquantifiable as of now. This will clearly help prevent actual physical starvation when combined with rice, corn and wheat supply but we cannot give the exact dimensions at the moment.
- 6. Masagana 99 plantings will not help alleviate this current crisis. It takes a minimum of 110 days to grow rice, and since we launched it only last 21st May and rains have come only recently in many parts of the country, we expect the bulk of harvesting to begin in mid-October at the earliest. This means that we have to tide ourselves over at least 90 days from today.
- 7. In sum, we only have a total quantifiable cereal supply (rice, corn, wheat) of about 85 days compared to 90 days before Masagana 99 starts coming in. This, however, assumes a perfect distribution

<sup>\*</sup>Please see attached memos dated 30 October 1972, 5 February 1973 and 4 May 1973.

# MEMO FOR THE PRESIDENT . . .

system. His Excellency will readily see that the situation is very tight indeed.

#### WHAT WE ARE DOING

Following His Excellency's instructions and authorizations, we are deing the following:

- Jess Tanchanco is working feverishly to straighten out the rice distribution system.
- 2. I have worked out a schedule of corn procurement which, beginning 20th July will give us 43,000 cavans per day of corn until end—July and 75,000 cavans per day beginning August. The net effect of this will be to supply the corn eating population continuously while buying another 33 days for the rice-eating population, as mentioned above. Based on the powers delegated to me by Your Excellency, I am mobilizing the whole government toward corn procurement.
- I am asking Chairman Paterno to ensure maximum flour-milling output so as to supply 2,700 tons per day of 243,000 metric tons from July 16th until October 16th. This will give us another 24 days of cereal supply.
- I presume that Jess Tanchanco is pursuing, in consultation with Your Excellency, every possibility of additional rice imports.
- We are relentlessly pursuing the Masagana 99 program so as to ensure rice availability by mid-October.

#### THE IMPERATIVES OF THE SITUATION

Civen the imminent danger of cereal shortages, and in the light of the forthcoming Referendum, the situation is critical indeed.

It will not be solved by continous pronouncements that we have "enough rice." This is becoming counter-productive, especially in areas where there is no rice.

Neither will it be solved by action against "hoarders" or by an improvement in the distribution system. No amount of marketing efficiency or anti-hoarding actions will suffice in the light of an actual supply shortage. The stark reality is that we do not have enough rice, and that we have barely enough rice, corn, wheat and root-crops to pull us through the critical 90-day period.

What we need now, above all else, is for His Excellency to use this crisis as an instrument to weld the people together so as to be able to confront this crisis squarely.

I am suggesting, Mr. President, that we can turn this crisis into an opportunity for the people to realise that your leadership is indispensable

#### MEMO FOR THE PRESIDENT ...

page - 3 -

to national survival at this particular time. They have no one else to turn to.

What is needed now is the highest order of statesmanship. By telling the people the truth -- that we contracted enough rice, but world shortages have caused Thailand and the U.S. to cut exports -- we not only emphasize the danger but at the same time provide them with the leadership that they so desperately need new.

If His Excellency concurs with this analysis and this recommendation, I recommend:

- a concerted media campaign to emphasize to the people the causes of the shortage (floods and worldwide drought); and,
- preparation of a Presidential statement to be made at the proper time.

ARTURO R. TANCO, JR.



## APPENDIX 5.16

# CONFIDENTIAL CABLE FROM THE US EMBASSY IN MANILA, "MARCOS DELIVERS MAJOR ECONOMIC POLICY SPEECH WITH MINOR RESULTS," 22 NOVEMBER 1976

Part of Marcos's mystique is his oratorical prowess, which seems to have more resonance among his (online) admirers than his writing skills. YouTube videos of him addressing audiences in straight English may partly account for that. However, this cable shows that Marcos was not always the electrifying speaker his loyalists project him to be. At one point, according to Ambassador William H. Sullivan, "[even] an obvious effort by cabinet members present to stimulate applause fell so flat, Marcos felt obliged to make a joke of it." Moreover, this cable shows a growing perception that Marcos does not have particularly novel economic policies despite his Third Worldism/New Society rhetoric.

Margaret P. Grafeld Declassified Released US Department of State EO Systematic Review 04 May 2006

Limited official use Page 01 Manila 18203 220904Z 14

Action EB-07

Info Oct-01 EA-07 ISO-00 AID-05 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02 CIEP-01 LAB-04 SIL-01 OMB-01 NSC-05 SS-15 STR-04 CEA-01 DODE-00 PM-04 H-02 L-03 PA-01 PRS-01 OES-06 FEA-01 /093 W

To SecState WashDC 3079

PAGE 01 MANILA 18203 220904Z

14

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 AID-05 CIAE-00 COME-00 FRB-03

INR-07 NSAE-00 USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02

CIEP-01 LAB-04 SIL-01 OMB-01 NSC-05 SS-15 STR-04

CEA-01 DODE-00 PM-04 H-02 L-03 PA-01 PRS-01 OES-06

FEA-01 /093 W

----- 069827

R 220753Z NOV 76 FM AMEMBASSY MANILA TO SECSTATE WASHDC 3079 INFO AMEMBASSY SINGAPORE AMEMBASSY JAKARTA AMEMBASSY BANGKOK AMEMBASSY KUALA LUMPUR

LIMITED OFFICIAL USE MANILA 18203

E.O. 11652: NA TAGS: ECON, RP

SUBJECT: MARCOS DELIVERS MAJOR ECONOMIC POLICY SPEECH WITH MINOR RESULTS

1. SUMMARY. PRESIDENT MARCOS DELIVERED WHAT WAS BILLED AS
A "MAJOR ECONOMIC POLICY SPEECH" TO A BORED AND UNRESPONSIVE
AUDIENCE AT THE CLOSING CEREMONIES OF THE ANNUAL CONVENTION
OF MANUFACTURERS AND PRODUCERS ORGANIZED BY THE PHILIPPINE
CHAMBER OF INDUSTRIES. HE REHASHED THE CURRENT PHILIPPINE
DEVOTION TO THIRD WORLD RHETORIC AND THEN CALLED FOR AN
INCREASE OF NON-TRADITIONAL MANUFACTURED EXPORTS VS. UNPROCESSED
RAW MATERIALS. HE WAS LOQUACIOUS, BUT NOT PARTICULARLY
DIRECT, IN RESPONDING TO A PETITION PRESENTED TO HIM BY THE
CONVENTION DETAILING REAL NITTY-GRITTY PROBLEMS THE BUSINESSMEN FACE IN INCREASING EXPORTS. THE THREE HOUR MARATHON
(FIVE HOURS FOR THOS WHO CAME ON TIME) WAS A FINE EXERCISE
LIMITED OFFICIAL USE

Figure 1. A copy of the declassified cable.

Source: US Department of State. 1976 22 November. "Marcos Delivers Major Economic Policy Speech with Minor Results." Document number 1976MANILA18203, film number D760433-0792. https://aad.archives.gov/aad/createpdf?rid=277138&dt=2082&dl=1345.

Info AMEmbassy Singapore AMEmbassy Jakarta AMEmbassy Bangkok AMEmbassy Kuala Lumpur Limited official use Manila 18203 E.O. 11652: NA

Tags: Econ, RP

Subject: Marcos delivers major economic policy speech with minor results

- 1. Summary. President Marcos delivered what was billed as a "major economic policy speech" to a bored and unresponsive audience at the closing ceremonies of the annual convention of manufacturers and producers organized by the Philippine Chamber of Industries. He rehashed the current Philippine devotion to third world rhetoric and then called for an increase of non-traditional manufactured exports vs. unprocessed raw materials. He was loquacious, but not particularly direct, in responding to a petition presented to him by the convention detailing real nitty-gritty problems the business-men face in increasing exports. The three hour marathon (five hours for thos [sic] who came on time) was a fine exercise in theatre, but did not change Philippine economic policy one iota, and did not improve the dialogue between the government and private sector. But then, no one was hurt either, and they will meet again next year. End summary.
- 2. President Marcos struck a flat and unresponsive chord when delivering what was billed beforehand as a "major economic policy speech" at the November 19 closing ceremonies of the 23rd annual convention of manufacturers and producers. Sponsored by the Philippine Chamber of Industries. His audience was strictly the private sector, representing small, medium, and large scale industry.
- 3. No new directions were forged, or solutions to existing problems offered. Of some significance was Marcos' flat statement that the Philippines cannot attack its trade deficit by curtailing imports. He accepted as inevitable an oil price increase in December and added that increased capitl [sic] goods and raw materials imports will be needed to achieve projected economic growth levels. Marcos stressed that the Philippines continuing trade deficit can only be solved by increasing non-traditional exports, especially in manufactures, and processed and semi-processed raw materials. He said that while traditional exports will remain important, they represent 81 percent of first half 1976 exports, the Philippines cannot continue to depend on raw material exports because commodity prices are volatile and stacked against the

third world by the developed world. After a heavy lunch, this statement of accepted truths left the audience nodding.

- 4. Indeed, how words were met by thundering silence as Marcos reiterated again the Philippine commitment to the Group of 77, the Manilla [sic] declaration, UNCTAD IV restolutions [sic], a new world economic order, and the non-aligned nations. Even an obvious effort by cabinet members present to stimulate applause fell so flat, Marcos felt obliged to make a joke of it.
- 5. What the delegates had really come to hear was Marcos' response to the convention's peition [sic] to government for concrete measures on nuts and bolts issues that would facilitate exports. Their grievances include disincentives to exports created by tax and tariff systems, particularly import taxes on raw materials for manufacture of exports, central bank marginal deposit requirments [sic], travel restrictions [sic], ineffectiveness of department of trade promotion activities, and general bureaucratic foot-dragging in processing any documentation dealing with imports and exports.
- 6. Marcos went down the list of businessmen's grievances in true majestic fashion station, "I hereby direct secretary Quiazon (Trade) to give me a report on such and such," and, "I hereby direct secretary Sicat (NEDA) to make a study of such and such", etc. etc. He then invited the PCI board to bring the businessmen's problems to him on a regular basis rather than waiting for an annual convention.
- 7. The only pronouncement to strike a responsive chord in the audience was Marcos' comments on the Bureau of Customs in the above context. Comments like, "the Bureau of Customs is a sticky thing, I always get indigetion [sic] when I think of it," and "nothing impresses me in the Bureau of Customs," drew appreciative laughter. And his statement, "I will not rest until I clean up the Bureau of Customs" was the only line in the entire monolugue [sic] to draw applause. Significantly, this was the one proclamation of the entire speech that was picked up and headlined in the local press the next day. (a measure of the dearth of real substance in the speech.)
- 8. There are three other Marcos passing comments that are worthy of note. He announced the the [sic] Philippines had asked for renegotiations of the contracts with U.S. sugar firms which cover expots [sic] of 1:35 [sic] million tons of sugar (reported Septel). He didn't elaborate. He related potential future oil price increases to projected production costs of \$16/barrel in the U.S. north slope fields, and the north sea. He said, "it will be the developed countries

themselves that permit oil price increases." OPEC was not mentioned at all. And, in discussing the government's future role in export development, he said that the private sector can expect to see the Philippine international trading corporation, the state trading house first established to trade with communist countries, play an increasing role in export promotion and management and cited the recent RP/ Brazilian agreement on copper as an example.

9. Comment. It has often been said that the new society gains a great measure of its stability from the support of the business sector. In this exercise, emboffs present received the impression Marcos was a bit too cavalier, and didn't focus on the businessman's real problems to the extent the PCI board and membership would have looked. The pronouncement that the speech was to present a major policy initiative was inaccurate. The membership left the hall resigned to business as usual. It was very evident Marcos did not win any new converts to his third world policy. End comment.

Sullivan Limited official use NNN



## APPENDIX 5.17

# MARCOS PAYS FOR PROPAGANDA

For Every Tear A Victory helped win Marcos the 1965 elections. It is the foundational book on the Marcos mythology. Even today, at the Ferdinand E. Marcos Presidential Center museum in Batac, Ilocos Norte, the exhibits are arranged based on the book's narrative. How much did it cost to make this crucial text? According to a public relations specialist hired by the Marcoses, Leonard Saffir, Marcos paid at least USD 15,000.00 (about PHP 58,500.00 in 1963) to the book's author, Hartzell Spence, and guaranteed McGraw-Hill, the book's publisher, a sale of the book worth USD 10,000.00. To understand how expensive this deal was, the annual salary in 1963 of the Philippine president was PHP 30,000.00 as per the 1935 Constitution (the controlling law on this matter until 1964).

As to the literary merit of the Marcos biography written by Hartzell Spence, Nick Joaquin, writing as Quijano de Manila, has this to say:

[IJf the Spence book is corn, it's corn on the cob . . . . In tone, the Spence book, as everybody has heard by now, is rude and offensive. Spence admires Marcos but detests Filipinos . . . . Spence is . . . heavy going. He tends to be turgid and is capable of atrocity: "When at last he became normal, the doctors marveled at his recovery and said he was sufficiently convalescent to have a tub bath. He and God have been close ever since, and Imelda, having witnessed his experience, has drawn closer to her husband, until today they are almost inseparable." After reading such a passage, and remembering how the book has got poor Mr. Marcos in dutch with his paisanos, one begins to wonder just what Hartzell Spence was really up to. (de Manila [1981] 2013, 147–48)

#### Reference

de Manila, Quijano [Nick Joaquin]. (1981) 2013. Reportage on Politics. Mandaluyong City: Anvil Publishing, Inc.

#### LEONARD SAFFIR

80 East End Avenue New York 28, New York U. S. A. February 7, 1963

Senator Ferdinand E. Marcos 204 Ortega Street San Juan, Fizal The Philippines

Dear Senator Marcos:

I received your letter of January 31, 1963 today. I am sorry for any delays but I had assumed that my letter of December 20 covered all the points regarding Hartzell Spence. I hope you received it along with the biographical materials I sent on Spence.

I talked with the book editor again at McGraw Hill today and Spence is still anxious to do the book. Though, he must have a decision soon so he can organize his schedule.

The deal is this. Spence wants 315,000 plus expenses to write the book. He is excellent, has a good reputation and well worth this price.

McGraw Hill agrees to publish the book and give it better than average promotion. They feel it will be a good prestige book for their catologue. We must guarantee McGraw Hill \$10,000 in sales. This means that if they sell only \$7,000 worth of books, we owe them \$3,000.

Thus, the maximum a book will cost is \$25,000 and that is only if NO books are sold. We are certain to sell a great deal. It is an excellent deal I feel. We have a very important publishing company and a top author.

The \$10,000 I had requested is to be divided as an advance to author and publisher. I have not taken into consideration my fee. As you know, we discussed a fee of \$3000 a month which you had expected to start by now. Of course I can bear with you, your current situation in your Senate presidency fight and I realize the delay. I do hope, though, that I can get some part of my fee soon.

If you would like to go into the book deal and future plans further, perhaps it would be wise for myself or myself and Harry Welker to fly to Manile at which time we could discuss all plans. Please let me know your feelings about this.

I left my associates liaft & Siegel recently. They could not get intorested in the business and I felt my future was very limited with them. They, in fact, I believe are going into their parents business. Marry Welker, who as you know in my estimation, is tops, is still with me and we will stay together. We both very much would like to hitch our wagon to you.

If you have not heard, there has been a newspaper strike in New York City for over two months now. All the papers are out and the city has really been hard hit economically.

However, Harry and I, along with another friend started an interim newspaper which will last only for the duration of the newspaper strike. It was a miracle every day and unbelievable as it may seem, today (our 30th issue) we have a circulation almost one half million and our gross advertising billings have exceeded one willion dollars. Of course, expenses are very high though we do show a profit now. I feel, however, that the strike will be over very shortly and we will be out of business. Naturally, bee use of the paper, our reputation has gone sky high and we have added many more good contacts to our list. Enclosed are a few stories about our paper, I thought you might be interested in looking at; one from the New Yorker; the other from the Overseas Press Club Bulletin.

Please let me hear from you soon and I hope 1963 sees us working very closely.

My warmest personal regards and please extend these to your wonderful wife and Ben.

Sincerely,

Legnard Saffir

Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 135, File Nos. 588–89.

Ma y 29, 1963

Mr. Hartsell Spence Neck Road, Old Lyme Connecticutt, U.S. A.

pear Mr. Spence,

I have sent you through the Republic Bank (of Manila) and the Bank of New York, the amount of \$7,500.00 in accordance with our agreement.

I sent the amount to you direct because of the shortness of time given me to attend to this matter. You see I am in the midst of a personal crisis involving my pesition as president of the Senate and have not been able to attend to my correspondence.

I am informing Mr. Leonard Saffir of this by letter.

please be assured of my pleasure at being identified with you and your efforts.

kindly inform me when you wish to come to the Philippines so that we can make the proper travel and accemodation arrangements.

Sincertly,

FERDINAND E. MARCO

Source

Presidential Commission on Good Government Files (through Meynardo Mendoza and the National Historical Commission of the Philippines), Roll No. 135, File No. 595.

# Notes for Contributors

Kasarinlan: Philippine Journal of Third World Studies is an internationally refereed journal published twice a year by the Third World Studies Center, College of Social Sciences and Philosophy, University of the Philippines Diliman. It provides a forum for critical and interdisciplinary perspectives on the Philippines and the Third World with special reference to political economy. The journal is interested in publishing theoretically grounded papers based on original empirical research that is cogent and concise. Kasarinlan accepts article submissions for its future open issues. There is no deadline for submission of articles and reviews. Interested authors may make their submission any time of the year.

#### Text

Authors should submit an electronic file of their paper, with any original illustrations, to The Editor at kasarinlan@up.edu.ph or at kasarinlan@gmail.com. It will be assumed that the authors will keep a copy of their paper.

Submissions of articles and reviews should be in English or Filipino. For English manuscripts, American spelling is preferred. Manuscripts in Filipino must have an abstract in English.

Submission of an article or review to the journal will be taken to imply that it presents original, unpublished work not under consideration for publication elsewhere. By submitting a manuscript, the authors agree that the exclusive rights to reproduce and distribute the article have been given to the Publisher.

Permission to quote from or reproduce copyrighted material must be obtained by the authors before submission and acknowledgements should be included in the typescript, preferably in the form of an Acknowledgements section at the end of the paper, before the Notes or References. Where photographs or figures are reproduced, acknowledgement of source and copyright should be given in the caption.

An abstract of the paper, of up to 300 words, should accompany the article. In addition, a list of up to six keywords, suitable for indexing, abstracting services, and on-line searching purposes should be supplied.

Articles should not normally exceed 8,000 words in length. At the end of the manuscript, indicate the paper's word count, with the date of the manuscript. Notes should be kept to a minimum and placed at the end of the article before the References; footnotes should be avoided

Reviews should be between 1,500 to 2,000 words and must deal with recently released books, films, websites, and other information sources that are within the stated topical purview of the journal.

A brief biographical note about each author should be supplied on a separate sheet. Details should be given of author's full postal and e-mail addresses as well as telephone and fax numbers.

#### Illustrations and Tables

Tables, figures, and plates should not be inserted within the pages of the manuscript but should be submitted on separate sheets or electronic files together with the article.

Tables should be prepared with the minimum use of horizontal rules (usually three are sufficient) and avoiding vertical rules. If the paper relies on substantive statistical and quantitative data, submitting the spreadsheet that served as basis for tables and graphs is appreciated.

Tables and graphs must be prepared with the consideration that it will be rendered in grayscale. Avoid the use of colors in lines and bars.

It is important to provide high resolution (at least 300 dpi), clear copy of figures (not photocopies or faxes) which can be reproduced by the printer and do not require redrawing.

Photographs should be high-contrast black and white glossy prints, if the photograph is available in digital form, the electronic copy must also be submitted.

The desired position for each table, figure, and plate should be indicated in the manuscript.

### References

The journal uses the author-date system of documentation following *The Chicago Manual of Style*, 16th ed. If in Filipino, follow the *KWF Manwal sa Masinop na Pagsulat*. Within the text, parenthetical reference is used containing the author's last name, followed by the year of publication of the work cited. If a specific page, section, or other division of the work is cited, page numbers or other particular references follow the date of publication, preceded by a comma. There is no punctuation between author and date. A complete list of sources cited should be provided at the end of the text. Here is a sample list of references:

- Book: Ileto, Reynaldo C. 1999. Filipinos and Their Revolution: Event, Discourse, and Historiography. Honolulu: University of Hawai'i Press.
- Journal article: Verzola, Roberto. 2004. "The True Results of the 2004 Philippine Presidential Election Based on the NAMFREL Tally." Kasarinlan: Philippine Journal of Third World Studies 19 (2): 92–118.
- Newspaper article: David, Randolf. 2003. Law and Politics. Philippine Daily Inquirer, 22 June, A10.
- Article in magazine: Wain, Barry. 2002. Unfriendly Fire. Far Eastern Economic Review, 12 September, 15–17, 20, 22.
- Chapter in an edited volume: Cruz, Elinor May, and Trina Joyce Sajo. 2015. "Cybersex as Affective Labour: Critical Interrogations of the Philippine ICT framework and the Cybercrime Prevention Act of 2012." In *Impact of Information Society Research in the Global South*, edited by Arul Chib, Julian May, and Roxana Barrantes, 187-202. Singapore: Springer.
- Published proceedings: Diokno, Maria Serena I. 1999. Memory as a Means of Empowerment. In Memory, Truth Telling and the Pursuit of Justice: A Conference on the Legacies of Marcos Dictatorship Held in Ateneo de Manila University 20-22 September 1999, 79-87. Quezon City: Office of Research and Publications, Ateneo de Manila University.
- Unpublished thesis or dissertation: Jayme, Maria Elissa R. 2003. A Pluralist Perspective of State-Civil Society Cooperation at the International Level: NAMFREL Operations in Southeast Asia. MA Thesis, University of the Philippines.
- WorldWideWeb text (use of access date for undated on-line materials): PCIJ (Philippine Center for Investigative Journalism). 2016. "Public Profiles: Enrile, Juan Ponce." Moneypolitics. Accessed 19 January. http://moneypolitics.pcij.org/profiles/enrile-juan-ponce/#social-network
- On-line newspaper article: Balaba, R.M. 2004. RP Defies US on Stricter Meat Import Rules.

  BusinessWorld, 22 June. http://www.bworld.net/current/TopStories/topstory1.html.

#### Proofs

Authors will receive a PDF preprint of their article. Any changes and corrections must be made at this point. Once the authors have returned their corrected and approved proof, with the final changes and corrections applied, the article will be considered locked and ready for both print and on-line publication.

#### Early Electronic Offprints

Corresponding authors can now receive their article by e-mail as a complete PDF. This allows the author to print copies, free of charge, and disseminate them to colleagues. A copy of the journal will be sent by post to all authors after publication. Additional copies of the journal can be purchased at the author's preferential rate of 20 percent discount. All inquiries concerning the submission of articles should be addressed to:

The Editor
Kasarinlan: Philippine Journal of Third World Studies
Third World Studies Center
P.O. Box 210
Lower Ground Floor, Palma Hall
College of Social Sciences and Philosophy
Roxas Avenue, University of the Philippines Diliman,
1101 Quezon City, Philippines
Telefax: +63 2 920 5428
E-mail: kasarinlan.updiliman@up.edu.ph

*Kasarinlan: Philippine Journal of Third World Studies* (ISSN 0116-0923) is an internationally refereed journal published twice a year by the Third World Studies Center, College of Social Sciences and Philosophy, University of the Philippines-Diliman that provides a forum for critical and interdisciplinary perspectives on the Philippines and the Third World with special reference to political economy.

Annual subscription rates per volume (effective 1 January 2016):

Institutions:

Philippines PHP 1,500.00

Rest of the World USD 200.00

Individuals:

Philippines PHP 1,000.00

Rest of the World USD 100.00

### Available issues:

Vols. 04-07 (1985-92) (PHP 10.00)

Vols. 09-11 (1993-95) (PHP 25.00)

Vol. 11 Nos. 3-4 (1996)-Vol. 12 No. 3 (1997) (PHP 50.00)

Vol. 12 No. 4 and Vol. 13 No. 1 (1997)-Vol. 14 No. 2 (1998) (PHP 100.00)

Vol. 14 Nos. 3-4 (1999) Politics and Governance (PHP 150.00)

Vol. 15 No. 1 (2000) Economies in Flux (PHP 150.00)

Vol. 16 No. 1 (2001) Gender and Sexuality (PHP 200.00)

Vol. 16 No. 2 (2001) Arms and Militaries (PHP 200.00)

Vol. 17 No. 1 (2002) Environment (PHP 200.00)

Vol. 17 No. 2 (2002) Information Technology (PHP 250.00)

Vol. 18 Nos. 1-2 (2003) The World After 9.11(PHP 250.00)

Vol. 19 No. 1 (2004) Human Security in Conflict Situations (PHP 250.00)

Vol. 19 No. 2 (2004) Electoral Politics 1 (PHP 250.00)

Vol. 20 No. 1 (2005) Electoral Politics 2 (PHP 250.00)

Vol. 22 No. 2 (2007) Culture and Identity (PHP 250.00)

Vol. 23 No. 1 (2008) Contentious Politics (PHP 300.00)

Vol. 23 No. 2 (2008) Culture and Politics (PHP 300.00)

Vol. 24 Nos. 1–2 (2009) The Philippines in the WTO (PHP 350.00)

Vol. 25 Nos. 1–2 (2010) Political Economy of Ideas (PHP 350.00)

Vols. 27-28 (2012-13) Marcos Pa Rin! (PHP 500.00)

Vol. 29 No. 1 (2014) The 2014 TWSC Writeshop (PHP 500.00)

Vol. 29 No. 2 (2014) Risk and Resources (PHP 500.00)

Vol. 30 No. 1 (2015) The 2015 TWSC Writeshop (PHP 500.00)

Vol. 30 No. 2 and Vol. 31 No. 1 (2015-16) Indigenous People and

Contested Access to Land (PHP 500.00)

Prices in PHP are for retail and applies only to purchases made within the Philippines; add PHP100.00 for postage. Write to the Third World Studies Center for direct sales prices within the Philippines.

Rates in USD applyto subscribers in all countries except the Philippines where the PHP price applies. All subscriptions are payable in advance, and all rates include postage. Payment must be made in PHP cheque, USD cheque, international money order, or bank transfer. Refer to the next page for subscription instructions.

## Subscription

Subscription to *Kasarinlan: Philippine Journal of Third World Studies* is on a yearly basis (i.e., per volume). To subscribe, send a postal mail with payment cheque or proof of bank transfer or an email with proof of bank transfer. You may also send an inquiry or request for a subscription invoice. Include the following in your subscription mail:

Full name (individual or institution) Complete postal address Email address Contact numbers

Volume and issue number(s) Number of copies per issue

All cheques are payable to UP Third World Studies Center in PHP or USD. For bank transfer, use the following details:

Peso Account:

Account Name: Social Sciences & Philosophy Research Foundation, Inc. (SSPRF)

Account No. 108670007249

Dollar Account:

Account Name: Social Sciences Philosophy Research

Account No: 39-945-820001-1 Swift Code: PNBMPHMM

Send subscription mails or inquiries to:

Joel F. Ariate Jr. Managing Editor

Kasarinlan: Philippine Journal of Third World Studies

Third World Studies Center University of the Philippines 1101 Diliman, Quezon City

Philippines P.O. Box 210

Telefax: +63 2 920 5428

Email: kasarinlan.updiliman@up.edu.ph

URL: http://journals.upd.edu.ph/index.php/kasarinlan

Order will be shipped upon receipt of payment.

- 467 4.1 Foreword, Ferdinand E. Marcos on Human Rights 469 Confidential Cable from the US Embassy in Manila, "Supreme Court Justice Calls for Lifting of Martial Law," 7 July 1976 473 4.3 Excerpts from Luneta v. Special Military Commission, G.R. No. L49473, and the Concurring Opinion by Chief Justice Fernando 475 4.4 Excerpt from "A Greater Responsibility for Our Soldiers," 26 January 1972 479 Citizenship of Justice Claudio Teehankee Sr. 485 4.6 Marcos Diary Entry, 15 September 1971 491 4.7 Marcos Diary Entry, 16 September 1971 497 4.8 Marcos Diary Entry, 18 September 1971 503 4.9 Marcos Diary Entry, 24 September 1972 509 4.10 Marcos Diary Entry, 25 September 1972 517 4.11 Marcos Diary Entry, 11 October 1972 525 4.12 Marcos Diary Entry, 14 November 1972 531 4.13 Marcos Diary Entry, 19 December 1972 535 4.14 Marcos Diary Entry, 20 December 1972 539 4.15 Marcos Diary Entry, 23 December 1972 545 4.16 Marcos Diary Entry, 27 January 1973 547 4.17 Marcos Diary Entry, 29 January 1973 549 4.18 Ferdinand Marcos's Self-Serving Presidential Decrees 561 4.19 Superexecutive, Supercourt, Superlegislature, and One-Man Constitutional Convention 573 4.20 Resolution of U.P. Law Class 1939 Declaring Its Unqualified Adherence to the New Society and Pledging Its Loyalty and Fealty to President Ferdinand E. Marcos 577 4.21 Marcos Diary Entries, 8 October 1970 and 11 June 1979 589 5.1 Letter from Luis Nepomuceno to Imelda Marcos on the Film Maharlika 593 "A Man of His Time," A Year Before Martial Law, 11 September 1971 599 5.3 Letter of Fr. Joaquin G. Bernas, SJ on the Barangay Brigade or Barangay Kawal, 22 May 1979 605 5.4 The President's Physique 607 5.5 Timeline from the Marcos Presidential Center Website 615 5.6 Excerpts from Agapita Trajano; Archimedes Trajano, Plaintiffs-Appellees, v. Ferdinand E. Marcos, Defendant, and Imee Marcos-Manotoc, Defendant-**Appellant** 621 Project Completion Report: Philippine National Railways 625 OFW Remittances: Executive Orders No. 857 and 1021 633 Excerpts from "The Peace and Order Situation" by Fidel V. Ramos, 28 March 1980 637 5.10 William Saunders and Jane Ryan 645 5.11 Francisco I. Chavez, petitioner, vs. Presidential Commission on Good Government (PCGG) and Magtanggol Gunigundo, (in his capacity as chairman of the PCGG), respondents 659 5.12 UP ROTC Website Profile on Alumnus Ferdinand E. Marcos 663 5.13 Executive Order 879, "Directing the Propagation of the Filipino Ideology and Creating a Committee to Evolve, Supervise and Monitor the Implementation of the Program for Its Dissemination" 671 5.14 Introduction, Introductory Readings in Filipino Ideology
- Rice Crisis, 16 July 1973

  5.16 Confidential Cable from the US Embassy in Manila, "Marcos Delivers Major Economic Policy Speech with Minor Results," 22 November 1976

  5.17 Marcos Pays for Propaganda

5.15 Confidential Memo for Ferdinand Marcos from Arturo Tanco on

675